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EDITORIAL

Persistent Crises: Developments and Impacts¹

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Ongoing humanitarian and refugee crises are the unfortunate reason for the publication of this journal, the Quarterly on Refugee Problems (QRP) – and are actually affecting its publication schedule. While the readership is steadily growing and the journal is now indexed in Open Access Journals (DOAJ) and erih+, issues 4/2025–2/2026 could not be published with the usual reliability due to the Middle East conflict. Unfortunately, the conflict has personally affected the Editor-in-Chief, who, in the midst of crisis management, had to prioritize maintaining university operations at the German Jordanian University. We regret these circumstances and ask for your understanding regarding the missed issues.

While disillusionment is already setting in in light of our own personal experiences, it is also generally unsatisfactory that the number of refugees in 2025 fell slightly for the first time in years (from 129.9 million in 2024 to 129.4 million in 2025), while the number of returnees rose (from 1.6 million in 2024 to 4.4 million) (UNHCR 2026b). This is because, in addition to ongoing and new crises, there is an unprecedented erosion of refugee protection and humanitarian aid due to defunding. As the UNHCR notes:

“[R]efugees are facing a more restrictive protection environment, with rising reports of refoulement and detention, and reduced access to asylum, education, health care and adequate housing. These trends reflect restrictive policies, funding gaps and growing pressure on host-country systems. [...]

Only 37% of the \$10.604 billion operational budget was funded, resulting in a global funding shortfall of \$6.7 billion – the biggest in UNHCR’s recent history. Reduced funding limited the capacity of humanitarian actors and left fewer resources to support already stretched national services and communities affected by displacement. [...]

Funding reductions forced UNHCR to scale back or stop critical protection and solutions-related activities for IDPs in many countries. These included community-based interventions, gender-based violence response, legal aid and mobile outreach. Further cuts could halt or reverse progress made through stronger legal frameworks and field-level protection work, leaving IDPs more exposed to violence, exploitation and other protection risks.” (UNHCR 2026).

Even more alarming and intolerable – especially given the international community’s widespread inaction and silence – is the situation facing UNRWA, whose services are not only threatened by systematic defunding, but whose staff and structures are also under

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threat from direct acts of violence and are being increasingly and literally wiped out. UN Secretary-General António Guterres summarized the situation as follows:

"I am appalled by continuing efforts to marginalize and undermine UNRWA.

Through disinformation. Smear campaigns. Legislative actions. Operational restrictions. Diplomatic roadblocks. And more.

Those actions threaten the wellbeing of millions of Palestinians.

And they endanger the dedicated women and men working for UNRWA.

Since October 2023, more than 390 of our dear colleagues in Gaza have been killed.

I will never forget their sacrifice.

Many others have been physically injured or left with the trauma and anguish of losing so many loved ones.

Every single one of the Agency's premises in the Strip has been damaged or destroyed.

For nearly 18 months, none of the international personnel have been allowed to enter the Occupied Palestinian Territory.

And earlier this year, its headquarters in occupied East Jerusalem were unlawfully seized in a striking and unacceptable violation of United Nations privileges and immunities.

I condemn these actions in the strongest terms – and call for adherence to international law.

All UN premises are inviolable.

And the International Court of Justice has clearly recalled the obligations of Israel in relation to the presence and activities of the United Nations, including UNRWA.

No organization can replace or substitute the Agency's capacity and mandate" (UN Secretary-General, 2026).

These are the circumstances that, in this issue of the *Quarterly on Refugee Problems*, prompt us to examine developments ranging from the origins of refugee protection and law, through its practical implementation and the key players involved, to the discussion of its further development aimed at closing gaps in protection - always with the hope that, sometime in the future, mankind will abandon its madness, recall basic humanitarian principles, and make this journal once and forever obsolete.

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RESEARCH ARTICLE

Establishing the English Language Competencies of Refugee Teachers: Evidence from Kakuma, Kalobeyei and Dadaab Camps in Kenya¹

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Abstract

Concerns have been raised about teacher quality issues in refugee camps in the wake of extremely low learning outcomes in these contexts. In this regard, this paper reports the findings of a project that sought to establish the English language competencies of refugee teachers in Kenya, focusing on the following core skill areas: listening, speaking, reading, and writing. The aim was to identify relevant interventions that can support these teachers' instructional communication competencies across curriculum content delivery. Using questionnaires, focus group discussions (FGDs) and the English Language Diagnostic Tool (ELDT), data was collected from 343 teachers in Kakuma, Kalobeyei and Dadaab refugee camps from April to June 2024. A participatory mixed-methods research design was applied, combining quantitative English language proficiency assessments with qualitative inferences from key education stakeholders to generate insights. Findings revealed significant gaps in English language competencies across all four language skills, with particularly low performance in writing and speaking competencies. Qualitative results also highlighted contributing factors including limited prior training, inadequate institutional support, and sporadic in-service professional development opportunities. There is an urgent need for context-responsive English language enhancement programmes to strengthen instructional quality and improve learner outcomes in fragile education settings. The findings support the need for providing English language

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enhancement Teacher Professional Development (TPD) programmes to support refugee teachers whose proficiency in the language is very low.

Key Words:

Communication, English competencies, language enhancement, refugee teachers, Kenya

1 Introduction

This paper explores the English language competencies of refugee teachers in Kakuma, Kalobeyi, and Dadaab refugee camps in Kenya. The aim is to establish their capacities to support quality education in the camps. It also generates evidence to inform the design of contextualised English language enhancement and teacher professional development support programmes aimed at improving instructional quality in refugee education settings. This focus is critical because refugee camps in Kenya are struggling with acute shortages of trained and qualified teachers to guarantee quality education to thousands of school-age children in these fragile contexts (UNHCR, 2019; UNHCR, 2018; Mendenhall, 2017). As a result, key education actors such as non-governmental organizations involved in education support in these contexts often hire refugee teachers to supplement teacher shortages (Mendenhall & Falk, 2023; Bellino & Dryden-Peterson, 2019). Refugee teachers in this context refer to teachers who are drawn from the refugee population in the camps, but do not have formal teaching qualifications, since the majority of them have at most secondary level education (Mendenhall, 2017; World Bank, 2023). Most worrying is the fact that these teachers are faced with English language deficiencies, which impede their delivery of curriculum instruction (Mendenhall, 2017). While existing research has documented structural challenges in education provision for refugees, such as overpopulated classrooms, scarcity of resources, and precarious teacher employment, limited empirical evidence remains, specifically focusing on refugee teachers' English language competencies in relation to instructional quality. This raises a question about the challenges that this trend presents to an education system that relies heavily on the use of the English language to facilitate learning. It also points to the urgent need to invest in building TPD for refugee teachers (Mendenhall & Falk, 2023; Mendenhall, et al., 2015), especially in the areas of language proficiency.

In order to support the key actors in their efforts to improve the English language competencies of refugee teachers, empirical evidence on their receptive and expressive skills is needed. Additionally, although existing scholarship in Sub-Saharan Africa's refugee contexts highlights the critical role of teachers' competencies and pedagogical skills (Mendenhall & Falk, 2023), few studies interrogate how the English language proficiency of refugee teachers affects their curriculum delivery. Addressing this gap is the goal of this initiative. The project is funded by the Lutheran World Federation (LWF) and focuses on enhancing the communication competencies of refugee teachers to improve curriculum delivery at the primary and junior secondary levels in the three camps. In this paper, we focus on the initial phase of the project, which included conducting a Teacher Needs Assessment (TNA) to establish their English language proficiencies. By systematically profiling teachers' language skills across the three camps, we seek to address a documented gap in scholarship concerning evidence-based design of language-focused TPD interventions in refugee settings. These components of the TNA are described more fully in the research design section.

Against this background, the study sought to answer the following question: What are the English language competency levels of refugee teachers in Kakuma, Kalobeyei, and Dadaab refugee camps across the four language skills of listening, speaking, reading, and writing?

2 Background and Context

Refugees' right to education is articulated in the 1951 Refugee Convention Relating to the Status of Refugees (adopted 28/7/1951, entered into force 22/4/1954, 189 UNTS 137, 1951 Refugee Convention) to which Kenya is a party (UNHCR, 2019). The country is also a member of the Global Partnership for Education (GPE), which is a multi-stakeholder partnership and funding platform that helps developing country governments improve equity and learning by strengthening their education systems (GPE, 2020). While these global agreements exemplify refugees' right to education, within the framework of the host country's existing provision, significant gaps remain especially in terms of provision of qualified teachers in the aforementioned refugee camps. This is critical to achieving the Sustainable Development Goal 4 (SDG 4) of ensuring quality and inclusive education for all by the year 2030 (UNHCR, 2019; World Bank, 2023). Yet, policy formulations to support access do not always match teacher capacities, especially in relation to English language competencies, which are central to effective curriculum implementation under Kenya's Competency-Based Education (CBE) reforms. Kenya's transition from the 8-4-4 system to CBE is guided by key policy frameworks, including the Basic Education Curriculum Framework (BECF), the National Curriculum Policy, the National Competency-Based Education and Training Policy, and the Competency-Based Assessment Framework (CBAF). These frameworks emphasize learner-centered approaches, competency development, and assessment practices that require teachers to possess adequate pedagogical, content, and communication competencies. Therefore, refugee teachers' English language proficiency is an important factor in determining their readiness to effectively implement competency-based curriculum requirements in refugee education settings.

In Kenya, teaching is a regulated profession under the Teachers Service Commission (TSC) Act, and all individuals engaged in teaching are expected to meet the professional requirements established by the Commission, including teacher registration. The number of Government of Kenya (GoK) teachers employed by the Teachers Service Commission (TSC) in the refugee camps are much lower than the demand for education in refugee camps, and alternative key actors who help in supplementing education in these areas have hired refugee teachers to bridge the human resource gaps (Mendenhall, 2017; Bellino & Dryden-Peterson, 2019). However, more than 85% of these refugee teachers hired to supplement the GoK teachers do not have the required training (Burde et al., 2015), which raises the question of the quality of education offered to learners in such marginalized areas. While hiring untrained refugee teachers provides a short-term measure to address teacher shortages in the camps, it risks creating an unequal education system in which refugee learners are taught by underqualified personnel. Many of these teachers are not registered with the TSC. Such practices undermine equitable access to quality education articulated in international and national education commitments. This is also a worrying trend considering the fact that the qualification of teachers is critical in determining the quality of education offered in refugee camp settings and subsequent students' academic achievement (Dorn et al., 2017; Evans & Popova,

2016). Moreover, refugee teachers are among the most marginalized human resource providers globally, and thus, examining their English language competencies is significant for understanding and bridging quality gaps in education (World Bank, 2023). Unlike refugee camp schools, public schools in host communities are staffed primarily through the formal TSC recruitment and registration system, although they may also experience broader national teacher distribution challenges. Such practices raise concerns regarding equitable access to quality education articulated in international and national commitments.

Research indicates that refugee teachers have limited training opportunities (Shepler & Routh, 2012) and in-service TPD remains theory-laden and distant (GPE, 2020; Power, 2019; Care et al., 2018). Given this, the refugee camps in Kenya are filled with teachers who have limited language competencies to deliver quality education (Mendenhall, 2018). Despite the urgent need for strengthening TPD in refugee contexts, research indicates limited evidence of purposeful language enhancement programmes contextualised to the needs of refugee teachers. There is a need for a TNA to establish skill gaps in key areas, such as basic English language skills required for effective classroom communication. This is because available literature has shown that little to no learning takes place in refugee contexts (Dryden-Peterson 2016; Mendenhall, et al., 2015).

3 Literature Review

To meet the needs of the multifaceted nature of children across refugee contexts, the education levels and qualifications of teachers must be taken into consideration. Such considerations can be used as a basis for planning their recruitment and related TPD needs. This is particularly critical in refugee education, where teacher preparation and support need to respond to the specific and unique needs of the refugee learners, (Aden, 2024). However, as observed by Mendenhall (2018), most needs assessment surveys in refugee contexts often focus on children's enrolment and educational profiles, excluding the details of teachers. Given this, teacher-related variables affecting education implementation in these contexts, such as content mastery, pedagogical competence, and English language proficiency remain under-documented and insufficiently integrated into educational policies and plans. For instance, although research reveals that education in refugee contexts, especially in sub-Saharan Africa, has been characterized by poor pedagogical practices and a lack of structured TPD opportunities for teachers, interventions by stakeholders and key policymakers to address these teacher quality issues have been sporadic, with limited attempts at scaling them widely for meaningful impact (Mendenhall & Falk 2023).

Given this, learners in such contexts have limited access to trained and qualified teachers with the necessary expertise to address their multifaceted cognitive, social-emotional and inclusive needs (UNESCO, 2020). In Kenya, the Lutheran World Federation (LWF) implements pre-primary, primary, and junior school education in Kakuma, Kalobeyei and Dadaab refugee camps, being the implementing partner of the United Nations High Commissioner for Refugees (UNHCR, 2019). The program comprises 44 primary schools and 36 ECDE centres (23 in Dadaab and 13 in Kakuma), with over 90,000 learners. All the children in the pre-primary and primary schools in the refugee camp study the validated Kenya curriculum, Competence-Based Education (CBE). However, the camps are faced with acute shortages of trained and qualified teachers to take care of the rising population of learners. For instance, the UNHRC (2017) reports that the average student-

teacher ratio at the primary level in Kakuma camp stands at 96:1. This might not be much different from the Kalobeyei and Dadaab camps. Such high pupil-teacher ratios, coupled with teacher quality issues, may compromise the standard of education offered to the refugee children.

Kakuma refugee camp, located in Turkana County, northern Kenya, is one of the largest and oldest refugee camps in the world, hosting over 200,000 refugees (UNHCR, 2026). It was established in 1992 to take care of Sudanese refugees who were fleeing a civil war in their country. However, other refugees from other countries, such as Ethiopia and Somalia joined the camp. According to UNHCR (2018), the camp was created for social and economic integration of both the refugees and the Kenyan nationals living in the neighbourhood, a marginalized region.

The Kalobeyei settlement was later created in 2016 to decongest the Kakuma camp and also integrate the settlement into the Turkana County Integrated Development plan (UNHCR, 2026). By now, the settlement was hosting over 82,000 refugees (UNHCR, 2026). Research indicates that most teachers in this camp are young and have recently finished their secondary education (Mendenhall, 2018), and thus lack the formal teaching qualifications. In addition, the newly recruited teachers receive very little TPD support before entering the classrooms. This is a worrying trend that reflects the complex realities of recruiting unqualified teachers while compromising the quality of education offered to refugee children across the globe, with little support for the teachers (Kirk & Winthrop, 2013). The need for locally grounded approaches is therefore necessary in such contexts, where teacher preparation needs to address the needs of refugee learners (Aden, 2024).

The Dadaab camp, which was constructed in 1992, is located in Garissa County in Kenya. It was originally intended to temporarily house refugees fleeing the civil war in Somalia. As of 31 May 2026, Kenya hosted over 850,000 registered refugees and asylum seekers, the majority residing in the Dadaab and Kakuma refugee complexes (Department of Refugee Services, 2026). Dadaab which hosts approximately 417,767 refugees has four camps: Hagadera, Dagahaley, Ifo and Ifo 2, Hagadera, Dagahaley (Department of Refugee Services, 2026). The majority of refugees in Dadaab are Somali, and the host population in the surrounding Garissa region is also predominantly Somali. This shared linguistic and cultural background may reduce the immediate need for refugees to acquire English or Swahili for everyday communication. This situation differs from that in Kakuma and Kalobeyei camps, where with 314,888 refugees, the population is more linguistically diverse and interactions between refugees and host communities often require the use of broader languages of communication, including English and Swahili. Such linguistic differences are significant in refugee education because language can shape refugees' access to learning within fragile contexts (Reddick & Chopra, 2023).

In Kenya's refugee camps, refugee teachers make up over 85% of the teaching workforce at the primary levels of education (Mendenhall, 2017). However, these teachers face multiple challenges, such as overcrowded classrooms and a lack of sufficient teaching and learning resources (Mendenhall & Falk, 2023). Lack of professional development opportunities for these teachers also impedes their capabilities to provide the much-needed academic and psychosocial support to the multifaceted needs of the learners in these contexts.

Hence, this TNA was occasioned by the need to conceptualize the diverse profiles of the refugee teachers. The profiling would allow stakeholders to come up with relevant TPD programmes to support these teachers. Dryden-Peterson (2016) observes that critical gaps exist in providing refugee teachers with specialized competencies to enhance teaching and learning in refugee contexts. Given this, strengthening TPD in these contexts is a key policy lever in ensuring that refugees get access to inclusive, equitable, and quality education. Research has shown that student learning outcomes are largely influenced by their teachers' qualifications (Mendenhall & Falk, 2023). However, language considerations are also important in shaping educational experiences in refugee contexts (Reddick & Chopra, 2023). This TNA is justified by the need to highlight critical gaps in the refugee teachers' English language competencies. Policymakers can leverage the findings to come up with specific context-relevant interventions to support the TPD of refugee teachers.

4 Research Design

An integration of mixed methods and action research, based on the notion of what works in practice was used (Johnson & Onwuegbuzie, 2004). Both qualitative and quantitative data were collected from the respondents, who included the teachers, head teachers, curriculum support officers, and education managers from the LWF staff. The use of this approach was based on co-participation, in which both participants and researchers collectively participate, learn, make decisions, and act (Reason, 2001).

4.1 Study Area

The study was conducted in Kakuma, Kalobeyei and Dadaab refugee camps. These three settings represent some of the established refugee settlements in Kenya and host diverse refugee populations receiving education services supported by humanitarian agencies and policymakers. The sites provided critical contexts for examining refugee teachers' English language competencies, given their central role in delivering curriculum instruction in environments characterised by teacher shortages and limited access to professional development opportunities.

4.2 Data Collection Method

The quantitative data were collected through a teacher questionnaire. This tool collected data on the English language needs, nature of challenges with the English language, suggestions on tackling the challenges, possible areas of focus for a language enhancement programme, and any available interventions in the camps used by the key stakeholders to enhance the English language competences of these teachers. The English Language Diagnostic Tool (ELDT) was used to supplement the questionnaire by assessing teachers' proficiency levels across the four core English language skills: listening, speaking, reading, and writing. The ELDT focused on identifying specific deficiencies in these critical language skill areas. The test took about one and a half hours and the test items for each of the target skill areas contained questions worth 20 marks. Data from the two tools generated quantitative information in the form of profiling these teachers' English language proficiencies based on the four English language skills (listening, speaking, reading, and writing). A representative sample was drawn from Kakuma, Kalobeyei, and Dadaab refugee camps to support the development of contextually relevant recommendations for teachers across different settings.

To establish the listening skills of the teachers, a three-minute recorded audio clip was played to them. The clip contained a short conversation about, 'stay in the UK'. The clip contained a short story with moderate vocabulary relevant to the level of an average high school student. The clip was repeated only once upon request. Thereafter, the teachers were given five questions worth 20 marks from the audio clip to answer. The diagnostic test was supplemented with data from the questionnaire and the FGDs.

For the speaking skills diagnostic test, the teachers were asked questions that required oral responses. The questions were about self-description and their daily routine at their place of work. The aim was to establish how these teachers apply speaking skills in curriculum instruction while developing a level of comfort with vocabulary, pronunciation, rhythm and intonation. They were also assessed on their pronunciation skills and their understanding of sounds in the English language.

For the reading skills, a diagnostic test was administered to examine teachers' reading proficiency. They were supposed to read a two-page passage and provide answers within 15 minutes. The test focused on several sub-skills and strategies used to read different texts with efficiency. It also tested the adjustment of their reading speed and style to match the purpose of reading. This involved the test of reading for an overall idea or gist, specific information and detail, and understanding the writer's attitude. The maximum score of the reading assessment was 20 marks.

For the writing skills assessment, a diagnostic test was administered to examine teachers' writing proficiency. The test focused on teachers' ability to write effectively and creatively. Teachers were given 30 minutes to write an essay of approximately 250 words on the topic of "technology." The assessment focused on the accurate use of vocabulary (words and phrases) and grammar (sentence structures).

Due to the large population of teachers across the three camps, FGDs were conducted to supplement the teacher questionnaires. This approach enabled the collection of in-depth qualitative data on teachers' qualifications, available English language enhancement support (if any), challenges related to English language proficiency, and the proposed content of the language enhancement module. In addition, FGDs provided researchers with an opportunity to assess teachers' oral English language competencies during discussions. Data collected through FGDs were coded, transcribed, and analyzed qualitatively. Respondents were coded as follows: teachers (Tr), head teachers (Ht), and curriculum support officers (CSO).

4.3 Sample and Sampling Procedure

TNA was done in April 2024 in order to establish the English language deficiencies of the refugee teachers who handle primary and junior secondary school levels. Data were collected from a sample of 343 teachers selected by the TNA team, with assistance from LWF research assistants, from LWF-supported primary and junior secondary schools across Dadaab, Kakuma and Kalobeyei, ensuring representation by camp, age and gender. The distribution of respondents reflects the relative concentration of teachers in each station, enabling the TNA findings to capture diverse English language training needs across the refugee education context. The majority of the sampled teachers were from Dadaab (46.6%, N=160), followed by Kakuma (40.5%, N=139) and Kalobeyei (12.8%, N=44) as shown in Table 1 below:

Table 1: Frequency of Respondents by Station

Station	Frequency	Percentage
Kakuma	139	40.52
Dadaab	160	46.65
Kalobeyei	44	12.83
Total	343	100

5 Results

This section presents the findings of the study on the English language competencies of refugee teachers in the three camps. The results draw on quantitative data from the teacher questionnaire and the ELDT, complemented by qualitative insights from FGDs. The findings are organised to first describe the demographic characteristics of the participating teachers and then examine their English language proficiency levels across the four core skills of listening, speaking, reading, and writing, with particular attention to the implications for teacher professional development and instructional quality.

5.1 Demographic Characteristics of the Teachers

The demographic characteristics of the participating teachers are presented in the following sub-sections.

5.1.1 Sex of Respondents

The distribution of respondents by sex across the three camps is presented in Table 2 below. Out of the 343 participants who took part in the study, 83 (24 %) were female while 260 (76%) were male. The bar chart for gender distribution per camp is presented in the Table 2 below:

Table 2: Gender Distribution of Respondents by Station

Station	Male	Female	Total
Kakuma	113	26	139
Dadaab	114	46	160
Kalobeyei	33	11	44
Total	260	83	343

5.1.2 Age of Respondents

Of the 343 participating refugee teachers, the majority (60.1%, N=207) were aged between 20 and 29 years. This was followed by those aged between 30 and 39 years (28.6%, N=98), those aged between 40 and 49 years (10.2%, N=35), and those aged over 50 years (0.9%, N=3).

5.1.3 Age, Level of Teaching and Learning Areas

Most of the sampled participants were teaching at middle school (54.8%, N=188), followed by those teaching in lower primary (28.3%, N=97), and junior secondary (16.9%, N=58) school.

Table 3: Distribution of Teachers by Age and Level of Teaching

Age Group	Lower Primary	Middle Primary	Junior Secondary	Total
20-29	51	118	38	207
30-39	33	50	15	98
40-49	10	20	5	35
Over 50	3	0	0	3
Total	97	188	58	343

5.1.4 Distribution according to the level of teaching per camp

The level of teaching from the sampled teachers was also established. The refugee teachers sampled were those teaching in lower primary, middle school and junior school, as shown in Table 4:

Table 4: Sample Distribution according to Level of Leaching

Station	Lower Primary	Middle School	Junior Secondary	Total
Kakuma	35	82	22	139
Dadaab	47	87	26	160
Kalobeyei	15	19	10	44
Total	97	188	58	343

As indicated in Table 4 above, the majority of teachers who took part in the survey were those teaching middle school/upper primary (Grades 4-6) (55%), followed by those teaching lower primary (Grades 1-3) (28%), and lastly, those teaching junior secondary (Grades 7-8) (17%).

5.2 English Language Competencies of the Teachers

The data were obtained from the teachers across the four skill areas of listening, speaking, reading, and writing. The data were categorized per refugee camp. The results revealed significant gaps in refugee teachers' English language competencies, which may affect their capacity to effectively deliver curriculum content. Respondents also indicated that their lack of training had not adequately prepared them to enhance their English language receptive and expressive skills. School heads stated that efforts to improve the English language competencies of the teachers were uncoordinated and sporadic. The responses therefore suggested that stakeholders had an obligation to ensure continuous TPD programmes specifically targeting English language competencies in Kenya's refugee

contexts. Table 5 below shows the status of English language learning among teachers in each camp.

Table 5: Current Status of English Language Learning per Camp

Station	Current Status of English Language Learning				
	A	B	C	D	Total
Kakuma	2	126	9	2	139
Dadaab	2	149	9	0	160
Kalobeyei	2	41	0	1	44
Total	6	316	18	3	343
%	2	92	5	1	100

Key

Code	Description
A	Acquired as first language.
B	Learned in school as a second/foreign language.
C	Learned in college as a language of instruction.
D	Learned it informally from interactions with people.

As noted in Table 5, most of the teachers (92%) learned English in school as a second/foreign language. Only six teachers (2%) indicated that they had acquired English as their first language. There were 18 teachers (5%) who indicated having learned English as a language of instruction in college, while only three (1%) learned the language through interactions with other people. Given the background information in Table 2, these findings provide an indication of the teachers' basic English proficiency entry levels.

Responses from the FGDs indicated that most of the teachers did not have college education. For instance, H1 said: "I learnt English up to form four, which is all. We have very few head teachers here who have college certificates." Meanwhile, Tr2 stated: "I have never attended any course after my fourth form examination."

5.2.1 Listening Skills

Active listening is an invaluable skill in curriculum instruction. Developing appropriate active listening skills can help teachers to provide appropriate and effective curriculum support for the learners. Table 6 below shows the results from the listening diagnostic test given to the teachers in the three camps.

Table 6: Status of Listening Skills per Camp

Station		Status of Listening Skills				
	A	B	C	D	E	Total
Kakuma	8	22	52	35	22	139
	5.8%	15.8%	37.4%	25.2%	15.8%	100.0%
Dadaab	51	16	19	25	49	160
	31.9%	10.0%	11.9%	15.6%	30.6%	100.0%
Kalobeyei	1	7	18	7	11	44
	2.3%	15.9%	40.9%	15.9%	25.0%	100.0%
Total	60	45	89	67	82	343
	17.5%	13.1%	25.9%	19.5%	23.9%	100.0%

Key		
Code	Score	Description
A	0	Did not attempt.
B	1-5	Limited understanding of spoken Language with difficulty in understanding basic information and main ideas.
C	6-10	Partial understanding of spoken Language.
D	11-15	Adequate understanding of spoken language. Can grasp the gist of what has been listened to.
E	16-20	Good understanding of spoken language.

As shown in Table 6, the findings indicate substantial listening skill challenges, with many teachers recording low scores in the diagnostic assessment. The data show that the majority of teachers who experienced the most significant listening challenges were from Dadaab, where 31.9% of the teachers did not attempt the test, possibly because of difficulties with listening comprehension in English. The proportion of teachers who were unable to attempt the test indicates substantial challenges in comprehending spoken English. Kakuma had 5.8% of the teachers failing to attempt the test, while Kalobeyei had 2.3%.

In addition, the collected data indicated that 37.4% of teachers in Kakuma, 11.9% in Dadaab, and 40.9% in Kalobeyei demonstrated partial understanding of spoken English (Category C), having scored between 6 and 10 marks in the test. If Categories B and C are combined to represent teachers who scored 10 marks or below, the proportions are 53.2% in Kakuma, 21.9% in Dadaab, and 56.8% in Kalobeyei. A relatively small proportion of teachers in Kakuma and Kalobeyei demonstrated a good understanding of spoken English, at 15.8% and 25.0%, respectively, while Dadaab recorded 30.6%. This category included teachers who scored between 16 and 20 marks. The findings suggest variations in English language competencies across the camps, with Dadaab teachers recording comparatively lower performance in some aspects of listening proficiency, particularly the proportion who did not attempt the test or demonstrated only limited understanding.

Data from questionnaires and FGD responses indicate that the teachers were aware of their deficiencies in this skill area. For instance, Tr7 admitted that: "I didn't get the communication. We need more practise because we have never had such a test." However, Tr3 complained that: "The speaker was speaking through the nose, and very fast too." This indicated that some teachers had never been exposed to native English

speakers' accents. They also lacked the necessary skills for active listening, which are critical in curriculum instruction. In addition, the schools lacked resources that could support these teachers. Ht3 observed that: "We don't have enough resources that can help our teachers to improve their language skills." Hence, stakeholders in the camps should prioritise resource allocation in the schools, geared towards supporting TPD.

There is also a need for specific TPD courses that address the English language competencies of refugee teachers. One approach is for education providers to contract experts to help develop such programmes. The response from the education officer summarised the challenges: CSO 1:

"We have had several TPD programmes here. The problem is that such programs are too general and do not specifically focus on specific teaching strategies. Further, they should first ask us what the teachers need before implementing these programs."

All the responses indicated that although there were several TPD programmes, none of them was specific to improving teachers' English language competencies. This finding highlights the need for TPD programmes that directly address teachers' language-related instructional needs. Furthermore, schools lacked facilities and a conducive environment to enhance teacher professional development, especially with regard to English language competencies. Educational providers in the camps often resorted to informal in-service workshops on general curriculum instruction which, as indicated, might enhance their skills in specific areas of curriculum instruction. There is a need for stakeholders to engage expert knowledge to develop specific interventions that can reverse this trend. The success of TPD depends to a large extent on the commitment of stakeholders and policy actors to engage relevant experts in policy development.

5.2.2 Speaking Skills

The test took about 4-8 minutes, and the questions were marked out of 20 marks. Table 7 shows the teachers' results in the diagnostic test.

Table 7: Status of Speaking Skills per Camp

Station		Status of Speaking Skills				
	A	B	C	D	E	Total
Kakuma	5	29	48	39	18	139
	3.6%	20.9%	34.5%	28.1%	12.9%	100.0%
Dadaab	38	27	32	31	32	160
	23.8%	16.9%	20.0%	19.4%	20.0%	100.0%
Kalobeyi	2	9	20	8	5	44
	4.5%	20.5%	45.5%	18.2%	11.4%	100.0%
Total	45	65	100	78	55	343
	13.1%	19.0%	29.2%	22.7%	16.0%	100.0%

Key

Code	Score	Description
A	0	Did not attempt to respond.
B	1-5	Struggles to communicate effectively with frequent pauses. Stumbling over words and difficulty communicating the message.

C	6-10	Able to communicate thoughts clearly most of the time with occasional hesitation or lack of confidence.
D	11-15	Speaks confidently and articulately engaging the audience.
E	16-20	Speaks with clear articulation, confidence, charisma and connects with the audience effortlessly.

Data from the speaking test revealed considerable challenges, although the pattern differed from that observed in listening skills. In addition, just like in the listening skills area, teachers from Dadaab appeared to face more challenges in this skill area than those in Kakuma and Kalobeyei. This is because 23.8% of the teachers did not attempt the test, as compared to 3.6% in Kakuma and 4.5% in Kalobeyei. However, teachers in Kalobeyei recorded the highest proportion of respondents who were able to communicate their thoughts clearly most of the time but experienced occasional hesitation or lack of confidence (45.5%), compared with 34.5% in Kakuma and 20.0% in Dadaab. In addition, 16.0% of teachers across the three camps were able to demonstrate the highest level of speaking proficiency in English, with Dadaab recording the highest proportion (20.0%), followed by Kakuma (12.9%) and Kalobeyei (11.4%).

FGD participants associated the lower English-speaking competencies observed in Dadaab with the dominant use of Somali as the language of everyday communication and classroom interaction. For instance, HI9 said: "Here in Dadaab, most of the students and teachers are Somali. This is the preferred language both at school and at home, so we are used to it."

Results across the three camps showed different types of speaking problems, ranging from inaccurate sentence structures to pronunciation challenges. Our diagnostic test required teachers to answer a few questions orally using the correct expressions, and most of them transferred errors from their first languages in their linguistically diverse countries of origin to their English spoken forms. A few responses have been provided here. Tr3 said: "I teaches in class lower but we are used Somali for children to get", while Tr14 said: "I get the job teaching at 2020. I was teach up to now in this school of many child". Most of the teachers had challenges in pronunciation, stress, and intonation in the use of English words and spoke with considerable hesitation. This made it very difficult for the interviewers to follow what they were saying.

The majority of respondents concurred that the TPD programmes offered to the teachers had never addressed the issue of English language competencies. HI9 said: "We have never had a TPD programme that addresses the English language competencies for our teachers". There is a need for stakeholders to engage in organised English language continuing TPD programmes in the three camps to guarantee quality learning. This implies choosing the right and contextually relevant programme for the camps and selecting appropriate modes of in-service learning for the teachers.

5.2.3 Reading Skills

The results of the test are shown in Table 8 below;

Table 8: Status of Reading Skills per Camp

Station	Status of Reading Skills					
	A	B	C	D	E	Total
Kakuma	0	34	60	30	13	137
	0.0%	24.8%	43.8%	21.9%	9.5%	100.0%
Dadaab	12	54	55	37	2	160
	7.5%	33.8%	34.4%	23.1%	1.3%	100.0%
Kalobeyei	0	20	15	6	3	44
	0.0%	45.5%	34.1%	13.6%	6.8%	100.0%
Total	12	108	130	73	18	341
%	3.5%	31.7%	38.1%	21.4%	5.3%	100.0%

Key		
Code	Score	Description
A	0	Did not attempt.
B	1-5	Difficulty in understanding of main ideas and detailed information.
C	6-10	Partial understanding of main points with difficulty in understanding detailed information.
D	11-15	Adequate understanding of main ideas and some details. Can grasp the overall meaning.
E	16-20	Good understanding of the text with ability to infer meaning correctly.

The results again place Dadaab in focus, because 7.5% of the teachers failed to attempt the test. However, the results show that many teachers from Kakuma (43.8%) had a limited understanding of the reading exercise, as compared to Dadaab (34.4%) and Kalobeyei (34.1%). Based on the percentages presented in the table, 23.1% of teachers in Dadaab demonstrated adequate understanding of the main ideas and some details, compared with 21.9% in Kakuma and 13.6% in Kalobeyei.

Two respondents did not complete the reading assessment; therefore, analysis was based on 341 responses. From the results of the reading skills diagnostic test, we were able to determine some of the factors that might have contributed to these reading skill gaps. It was established that the majority of teachers had a weak background in the English language and required training to improve their competencies in the language. For instance, Tr10 admitted: "English is hard for me," Even Ht3 confided that: "Most of these teachers fear English. They struggle with using it for instruction." Thus, teachers may approach such programmes unwillingly and without much interest, as reported by Tr7: "Sometimes they call us for some seminars which can take a day. They don't even issue certificates. Most people get discouraged and hate these trainings."

In Kakuma and Kalobeyei, a majority of the refugee teachers had a partial understanding of the main points of the passage they read, with difficulty in understanding detailed information. On the other hand, a majority of teachers in Dadaab had difficulty understanding the main ideas and detailed information, although some were able to grasp

the overall meaning of the text. However, very few teachers in the study area had a good understanding of the text and the ability to infer meaning correctly.

5.2.4 Writing Skills

Writing skills is one of the most effective tools of curriculum instruction. The data in this section represents the results of the writing diagnostic test we administered to the teachers on the techniques and strategies of writing proficiency. The test focused on the teachers' ability to write effectively and creatively. We gave the teachers 30 minutes to write an essay of about 250 words on 'technology'. Our focus was correct use of vocabulary (words and phrases) and grammar (sentence structures). Table 9, below represent the results of the writing diagnostic test.

Table 9: Status of Writing Skills per Camp

Station		Status of Writing Skills				
	A	B	C	D	E	Total
Kakuma	1	25	81	31	1	139
	0.7%	18.0%	58.3%	22.3%	0.7%	100.0%
Dadaab	57	74	21	7	1	160
	35.6%	46.3%	13.1%	4.4%	0.6%	100.0%
Kalobeyi	1	5	27	11	0	44
	2.3%	11.4%	61.4%	25.0%	0.0%	100.0%
Total	59	104	129	49	2	343
	17.2%	30.3%	36.7%	15.2%	0.6%	100.0%

Key		
Code	Score	Description
A	0	Did not attempt.
B	1-5	Limited abilities to express ideas in writing with poor organization and coherence with frequent errors.
C	6-10	Basic abilities to communicate ideas in writing. Some organization and coherence with noticeable errors.
D	11-15	Competent writing with clear expression of ideas. Some minor errors in grammar and vocabulary.
E	16-20	Good command of writing with clear expression of ideas. Well-structured and coherent.

The results demonstrate that the writing skills diagnostic test was the least well performed of the four skill areas in the three camps. Less than 1% of the total number of sampled teachers had a good command of English writing skills. The written test revealed that the teachers lacked basic writing organisation skills, with poor handwriting and limited adherence to punctuation rules. Most of the teachers (36.7%) wrote incomplete sentences with incorrect spelling and grammatical structures, as revealed by data from the language diagnostic tool

The curriculum officers admitted that it was very hard to receive written communication from these teachers because of such deficiencies, stating: "Very few of them can communicate with our offices through written messages. They need more coaching." Such deficiencies raise concerns about their ability to communicate effectively with education

offices and may impede the provision of quality education to refugee children in primary schools.

6 Discussion

We used supporting evidence from available literature (Mendenhall, 2017; Evans & Popova, 2016), which supports the finding of low English proficiency levels among refugee teachers hired to supplement capacity shortages in these contexts. Previous studies (World Bank, 2023) indicate that many refugee teachers recruited to address staffing shortages in these contexts have limited formal teacher training and educational qualifications. These factors may partly explain the English language competency gaps observed in this study. It should be noted that most of these teachers had no formal post-secondary training in English language-related courses and also indicated that they had not received any meaningful assistance to improve their English language skills, as has also been reported in global refugee contexts (Falk et al., 2019; Popova et al., 2022). Piper et al. (2020) observe that teachers in Kenyan refugee camps avoid using English as a language of instruction due to their incompetence in using the language. Hence, it is critical that teachers are inducted and encouraged to use English in the school environment. This should not be presented as a punishment or compulsion, but rather as an initiative supported through motivation, positive encouragement, and structured TPD programmes.

Given that some teachers and school heads did not have the required English language competencies needed to provide quality education to refugee children in Kenya's refugee camps, there is a need to provide continuous TPD programmes specifically focusing on English language enhancement for these teachers. Such programmes would allow teachers and school heads to develop appropriate English language skills for effective instruction across the curriculum. Strengthening teachers' instructional capacities through targeted English language enhancement programmes is therefore critical for achieving Sustainable Development Goal 4, which seeks to ensure inclusive and equitable education and promote lifelong learning opportunities for all. This goal remains out of reach for many of the world's refugee populations (UNHCR, 2017). Responses obtained from interviews indicate that most of the teachers did not have a college education.

The differences observed across the camps may reflect contextual factors such as language environments, opportunities for English exposure, and access to professional development. The data also reveal critical skill gaps in the English language communication competencies of refugee teachers across the three camps, who play a critical role in ensuring the inclusion of refugee children in the national education system. As documented in the literature (Mendenhall et al., 2015; Bellino & Dryden-Peterson, 2019; Piper et al., 2020; UNHCR, 2019), learning outcomes in Kenyan refugee camps are very poor. This can be attributed to the low quality of education offered to the children (Williams, 2017). We established similar patterns across the three camps, where a large number of teachers lacked the requisite active listening skills, reflecting the complex realities of providing schooling in a context of displacement with insufficient skilled manpower. Most of the teachers found it difficult to comprehend utterances delivered at normal conversational speed. This could have negative implications for the quality of teaching, which is much needed in these fragile contexts. These findings are consistent with studies in other refugee education contexts, which identify limited professional

development opportunities and weak language support structures as major barriers affecting teacher effectiveness (Falk et al., 2019; Popova et al., 2022).

The results reveal that whereas English as a language of instruction and assessment is critical to the educational future of refugee learners (García & Wei, 2014), the competencies of the teachers in the language are lacking. Future research could consider how the available TPD programmes are being tailored to address this specific problem. The refugee teachers were classified based on their level of speaking skills. The highest categorisation was among those who demonstrated clear articulation, confidence, and charisma and connected with the audience effortlessly, while the lowest category comprised those who struggled to communicate, with frequent pauses, stumbling over words, and difficulty communicating their messages.

These challenges may affect teachers' ability to use English as a medium of instruction and to support learners' language development. Available evidence indicates that teachers felt unsupported in dealing with the challenge of integrating refugees into education systems (Mendenhall & Falk, 2023). Further, it has been established that there is high demand for language instruction skills among teachers dealing with refugee education (Becker-Mrotzek et al., 2012). Key education stakeholders should invest purposively in language TPD programmes to enhance the competencies of teachers. As observed by Mendenhall (2017), available TPD programmes in Kenyan refugee camps are not relevant, as they are often as brief as one day and rarely result in recognised credentials.

In summary, the findings indicate that some teachers and school heads do not have the required English language competencies to facilitate effective curriculum instruction in refugee camps. Hence, their limited English language communication skills may constrain effective curriculum delivery and reduce opportunities for learners to engage fully with instruction in English.

The findings indicate that very few teachers had a good command of writing, with clear expression of ideas. This can be problematic for the delivery of the curriculum in refugee contexts. There is a need for an English language enhancement training module that is tailored to address the four skill areas discussed in this paper. The module can address some of the skill gaps identified through the TNA survey.

7 Conclusion

Although refugee teachers provide a significant pool of unskilled workforce for the thousands of school-age children in Kakuma, Kalobeyi and Dadaab Camps, the study showed that refugee teachers require additional support to strengthen the language competencies needed to effectively deliver curriculum content and support learners in multilingual classrooms. Addressing such gaps is relevant not only to refugee education but also to the global goal of providing quality education for all, including national populations in areas that host refugees. The low English language proficiencies we saw in Kakuma, Kalobeyi and Dadaab call for an urgent need to develop English language enhancement programmes that can improve the teachers' much-needed competencies. We found that teachers in Dadaab camp had lower English language proficiencies than those in Kakuma and Kalobeyi camps. These differences warrant further investigation into how contextual factors, language environments, and professional development opportunities influence teacher competencies across refugee settlements. Future

research should investigate why the teachers in these camps have varying skill gaps in terms of their English language competencies.

There is need for both the international and national actors engaged in provision of refugee education to put in place progressive and inclusive TPD programmes to support teachers in these settings in their efforts to provide quality education to the marginalized children negatively affected by conflict and displacement. This will help in achieving the Sustainable Development Goal 4, which aims to realise quality and inclusive education for all 2030 (UNHCR, 2017), and related human rights frameworks that ensures the right to education will continue to be elusive until our teachers, arguably the most important people in the education sector, are well supported.

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“Things Are Not Well”:

Learning from the Lived Experiences of Social Workers Engaged with Refugee Populations in Greece¹

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Abstract

The global refugee crisis persists while Greece continues its struggle to manage hundreds of thousands of refugees. Geographically proximate to the Middle East and Africa and a member of the European Union, Greece is a primary entry point for refugees. In the context of longstanding economic and political strife, this article explores the experiences of social workers engaged with refugees in Greece to capture current practices at the micro, mezzo, and macro levels. Herein, social work roles are examined, as well as the perceived impact of their work, coping strategies, and recommendations for education and training in refugee social work. Utilizing a mixed-methods approach, this study includes content analysis of qualitative data gathered through empirically based structured interviews, alongside descriptive data analysis of Likert-type items. Key themes emerged, highlighting systemic issues, disparities in refugee treatment based on nationality, and optimal training approaches for future practitioners. Quantitative analysis reveals, with minimal variability, that social workers from this sample feel they are performing with somewhat to significant effectiveness with their refugee clients. Overall, the study underscores significant systemic challenges in Greece's response to refugees. However, it also recognizes the resilience of refugee populations and the dedication of numerous individuals and organizations in providing essential services and support.

Key Words:

Refugees, social work, Greece, resettlement, migration

1 Introduction

Since 2015, approximately 2 million refugees (roughly the population of Paris) have arrived in or passed through Greece, even as the country faced an economic depression that left 36% of Greeks in economic distress (Economou et al., 2016; Baban et al., 2017;

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Cavounidis, 2018; United Nations High Commissioner for Refugees [UNHCR], 2024). As an EU member, Greece represents a hub of complex dynamics; while much of its population supports refugee resettlement, the country has also seen a rise in divisive politics, partly in response to economic instability. In this setting, social workers play a critical role, providing support to refugees despite extreme challenges and limited resources. This article explores their experiences to identify current practices for intervention and self-care and guide future training for social workers in Greece. It builds on earlier research conducted in Germany (Hagues et al., 2019) and Lebanon (Cecil et al, 2021). Herein, the term refugee is used broadly to include both refugees and asylum seekers, regardless of formal status. While legal distinctions are discussed later, refugee refers to anyone forced to flee their country of origin due to safety concerns (United Nations General Assembly, 1967).

2 Literature Review

2.1 The Social Work Profession in Greece

Social work in Greece is a government recognized and regulated profession with a long, though somewhat discontinuous, development (Plantazis, 2007). Social work developed along with social services and professional education in the post-World War II decades, though it was severely disrupted, along with many civil institutions, during the Regime of Colonels (1967-1974) (Antoniou et al., 2017). Social work's roots are in philanthropy, church and voluntary initiatives, but emerged with professional recognition in the late 1900s. Professional status is primarily through a four-year Bachelor of Social Work degree at public higher-education institutions (National Registry of Qualifications [EOPPEP], n.d.). The Hellenic Association of Social Workers (SKLE, n.d.) dates back to 1955 and provides a formalized professional infrastructure by issuing commencement and confirmation of legal practice (Law 4488/2017).

Going into the economic crisis (~2008) that preceded and endured through the refugee crisis, social need rose sharply while state welfare capacity and staffing stability weakened (Carastathis et al., 2018). Public-sector social workers found their practice conditions dramatically reshaped, generating professional strain. The 2015-2016 refugee emergency layered a new and complex workload onto an already stressed system (Teloni, et al., 2023).

2.2 Understanding Greece's History in relation to Refugees

To understand Greece's response to the refugee crisis, one must examine its migration history and key socio-cultural and political events going back to post-World War II when Greece had a small economy and limited infrastructure (Kandylaki, 2020). During the right-wing military Greek junta (aka, Regime of the Colonels) (1967-1974), Greek emigrants fled to the United States, Australia, and Germany (Conispoloatis, 2007). When democracy was restored, approximately 625,000 repatriates, mainly from Germany and Eastern Europe, returned to Greece. Greece received migrants in the 1980s, but after the Soviet Union collapsed in the early 1990s, more than a million repatriates returned from Eastern Europe (Kandylaki, 2020).

Since the 1990s, Greece has faced significant migration pressures, especially through the Aegean Sea and Evros land borders with Türkiye. By 2001, immigrants made up 10% of the population (Kandylaki & Nagopoulos, 2021). The crisis peaked between spring 2015

and 2016, as asylum seekers fleeing the Syrian war entered the EU via Greece's Eastern Mediterranean route (Ors, 2020). By December 2016, Greece had created 20,000 reception places, including for unaccompanied minors. The 2016 EU-Turkey Statement aimed to curb irregular crossings and allowed the return of unauthorized migrants from Greek islands, reducing inflows in the months that followed (Martin, 2020). In return, the EU agreed to provide aid to Türkiye (Legislative Train Schedule, 2024). Despite these measures, the Aegean Sea route remained under heavy migratory pressure in 2017, becoming the EU's main entry point (Frontex, 2018).

Greece faced rising immigration and asylum pressures in 2018 and 2019 (Gemi & Triandafyllidou, 2019). In September 2019, over 10,000 migrants arrived on the Greek islands – the highest monthly total since the March 2016 EU-Türkiye Statement – triggering renewed refugee challenges. With support from the European Commission, the UNHCR funded local and international NGOs to assist with relocation and provide independent housing for refugees (Kondilis et al., 2021). In February 2020, just before COVID-19 shutdowns, Türkiye reopened its border with Greece, prompting a surge in attempted crossings. Greece viewed this as a weaponization of migration. In response, Türkiye and human rights groups accused Greece of illegally pushing back migrants, endangering vulnerable populations and violating international law (Karamandidou & Kasperek, 2022).

2.3 Greece's Economic and Political Problems

Resettling refugees has proven difficult, complex, and costly across Europe (DeBacker et al., 2024), but Greece's capacity to do so has been especially hindered by decades of political and economic instability, further intensified by the 2008-2009 global recession. The crisis led to severe cuts in public welfare and social services and a freeze on hiring, leaving agencies short-staffed (BBC News, 2010; Carastathis et al., 2018). As a result, workers, including social workers, became overworked, underpaid, and unsupported (Teloni et al., 2023). During this period, political tensions rose, with some parties expressing strong anti-immigrant views (Stylianidis & Souliotis, 2019). Before the crisis, Greece relied on short-term planning, which led to a steep socio-economic decline (Mitsakis, 2014; Economou et al., 2016). Among EU countries, Greece experienced the most prolonged and severe recession. National wealth dropped by 40%, unemployment peaked at 27%, and over half a million young, skilled Greeks emigrated (Cavounidis, 2018; Marangudakis & Chadjipadelis, 2019).

Despite internal efforts, Greece required a €289 billion bailout from the EU and International Monetary Fund (IMF). Austerity measures triggered riots, deepened the debt crisis, caused a banking collapse, and halted foreign loans. Greece lost control of its account deficit and became the first OECD country to default on sovereign debt—the largest default in history (Gourinchas et al., 2017). By 2019, signs of recovery emerged, but COVID-19 reversed progress. Lockdowns forced refugees into overcrowded camps, further restricting access to healthcare and education (Gunst et al., 2019; Kondilis et al., 2021). The government, overwhelmed by the pandemic, deprioritized refugee needs. More recently, wildfires have threatened tourism and refugee camps (Fadel, 2023). Refugees arriving in Greece face a nation still recovering and struggling to meet basic needs.

2.4 Humanitarian Response in Crisis: Refugees and the Greek Welfare State

Although Greece is bound by international humanitarian obligations, its social welfare system, even with support from NGOs and grassroots services, cannot meet refugees' complex needs (Tramontanis et al., 2022). With a registered refugee population of 160,000 and an annual growth rate of 25% (MacroTrends, 2024), the asylum system faces severe backlogs. After difficult and often traumatic journeys, refugees enter harsh realities, such as the camp at Moria, where overcrowding and under-resourcing create environments that undermine human dignity as well as efforts of people like social workers attempting to help (Emmanouilidou, 2023). Many refugees wait up to two years for registration, and once recognized, hardships often worsen. Fallon (2022) argues that "destitution is almost inevitable," as poverty, homelessness, and exploitation persist. Refugees face trauma, depression, addiction, and violence; some resort to self-organized housing initiatives (Tsavdaroglou & Lalenis, 2020).

Despite these systemic failures, Greece hosts a remarkable network of support efforts, led largely by NGOs and grassroots groups (Teloni et al., 2023). Organizations such as UNHCR, Médecins Sans Frontières, the Hellenic Red Cross, and the International Rescue Committee (2023) collaborate with local groups like ΑΠΣΙΣ, Caritas Hellas, and Το Χαμόγελο του Παιδιού to provide aid, legal services, healthcare, and integration support (UNHCR, 2024; Botschaft der Bundesrepublik Deutschland Athen, 2019). Municipal efforts, including Athens' Migrant Integration Center, demonstrate localized commitment to inclusion. These initiatives reflect deep humanitarian dedication but also highlight the limits of a national system still unable to ensure consistent, long-term protection for displaced populations. It is important to note how important resilient moves (Van Acker et al., 2023), purposeful actions within refugee communities aimed at navigating uncertainty, are to the welfare of the refugee population.

This study explores how social workers navigate Greece's strained support system while serving refugees on the front lines. The goal of the study is to understand current practices at the micro, mezzo, and macro levels through better understanding social work roles, the perceived impact of the work, and coping strategies.

3 Methods

3.1 Data Collection

Extensive steps were taken to protect participants and the populations they serve. This research was approved by the Institutional Review Board of the authors' institution (application EXPD-PH-23-SUM-1). Informed consent procedures were carefully administered with each interview, ensuring confidentiality. Participants were also provided with researcher contact information and informed of their right to withdraw from the study in the months following participation.

This study used a convergent mixed methods design (Tashakkori & Teddlie, 2010), as qualitative and quantitative data were collected in the same phase, analyzed separately, and brought together for comparison. Qualitative data were collected through in-depth, in-person interviews of social workers who work for a variety of agencies throughout Athens, Thessaloniki, and Lesbos using a semi-structured interview guide. Questions explored social workers' perceptions and experiences in the following areas:

1. "Big picture" refugee situation in Greece and evolution of refugee circumstances since 2015
2. Discrepancies between refugee-reception "types" (i.e., economic, war-torn)
3. Refugees' greatest needs
4. Recommendations for continuing education/training

Individual interviews were approximately one hour long while group interviews lasted over two hours. These were digitally recorded and transcribed verbatim by the first two authors and two graduate assistants. While most of the interviews were conducted completely in English, the third author is Greek and speaks fluent Greek, and was able to assist anytime there was a question on meaning. Pseudonyms were assigned to each participant to ensure confidentiality. Participants did not give written consent for their data to be shared publicly, so because of the sensitive nature of this research, supporting data are not available. Most interviews were conducted in offices where refugees are served, however, some were conducted at cafes and one at a local university.

An ordinal-level quantitative survey reinforced qualitative findings regarding participants' perceptions of the adequacy of resources and their overall effectiveness. The following items were analyzed individually and as an aggregate.

1. Extent to which you feel you are working effectively
2. Extent to which you feel you have resources needed
3. Extent to which you feel service recipients are benefiting

3.2 Recruitment and participants

Purposeful and snowball sampling were used to recruit participants. One author, a social work professor in Greece, leveraged professional connections to invite resettlement agency staff and former students. The study includes 28 (N=28) participants working in social work roles across a variety of programs, including NGOs, grassroots, and governmental. Six participants identified as male (n=6) and 22 identified as female (n=22). The average age was 34.36 ($\bar{x}$ =34.36) with a range of 37 (R=37, 23-60). Eighteen (n=18) had formal social work education. Nine (n=9) had post-graduate coursework or master's degrees. Ten (n=10) worked as social workers with educational backgrounds in psychology, special education, political science, and linguistics.

3.3 Data analysis

Qualitative data were analyzed using constant comparative method via Atlas.Ti (Butler-Kisber, 2010; Charmaz, 2014). The first two authors coded initial interviews together using both inductive/deductive methods and a consensus approach. The research instrument guided coding, which was refined into categories and common themes. After coding the first three interviews, the authors divided the remaining interviews to code individually. To strengthen validity, author 3 and 4 verified themes (Whittemore et al., 2001). Findings on social worker coping and motivation appear in a separate article (see Hagues et al, 2026). Quantitative data were analyzed using descriptive statistics, including means and standard deviations.

4 Findings

Qualitative themes were sorted into four categories that emerged from the data: 1) evolution of refugee circumstances since 2015, 2) discrepancies between "types" of refugees, 3) refugees' greatest needs, and 4) social workers' recommendations for preparation and training. To strengthen the validity of findings, the headings used were derived from the tone, and in some cases, the very words of participants. These headings are the overarching and sub-themes.

4.1 Qualitative Findings

4.1.1 Evolution of Refugee Circumstances since 2015

- "Things are not well." -

Participants described a Greek government that is overwhelmed and reluctant in their response to refugees. Refugees face extreme poverty, lack resources, unpredictable wait times for registration, human rights violations in camps, and misuse of resources as deterrence. Lydia explained that the government sometimes changes the document request and delays processing paperwork. Government delays undermine confidence in social workers and discourage refugees. Agnes discussed her experience with a refugee minor who needed specialty medical care that she struggled to access on his behalf.

"We have one boy that was having a kidney problem. Both kidneys [didn't] work at all.... that first how as a ministry you put [this] boy, that he's so vulnerable and needs medical care and medical treatment...how you put him in a shelter that... doesn't have doctor?"

Sophia also discussed the lack of services available due to government negligence. She reported,

"[t]he situation is difficult. Most programs have closed here. We have many programs; the one that is for refugees and asylum seekers have closed and all the people in the camps, and now all the staff left the camps...no social workers, no psychologists, no educators."

Additionally, negligence was evidenced by statements like this from Lydia, "in this term, the government decided to leave aside the most vulnerable cases." Lino agreed that the government intentionally made it difficult for refugees to survive in Greece.

"There is a camp in the center of Greece...There were many hundred people there. In one night, the sixth of September, they were spread to different camps...They are imprisoned because they are migrants...The Greek state is not racist against foreigners, but against anyone who is in need."

Because of negative experiences so many refugees seem to be having in Greece, they do not have hope for their future if they stay in Greece.

Maria and Iris explained that for years, social workers and psychologists had helped refugees find apartments but currently, refugees are "being forced to go back to camps." Another explained,

"Well...things are not well, in terms of government and in terms of how they work with refugees. We have a lot of violations of human rights here in Greece, and the government knows about it."

Anastasia shared that there had been job opportunities for refugees but many of them were now closed,

"so people were kicked out or transferred to different camps, so this has caused like a lot of different changes...I wouldn't say that they are going in the right direction to be honest, [they are experiencing] a lot of oppression from the state."

Thea put it bluntly. "It's bad. That's one word for the system. 'Bad.'"

- Refugees bear the brunt of system failures. -

Participants explained that refugees suffered the consequences of system failures. For example, many who needed immediate medical treatment could not get it either because they lacked rights or because treatment was not available or accessible. Katherine detailed, "We have seen many changes in the system, for example, even if population is increasing, NGOs are closing...There are no medical doctors, which is bad..."

While refugees should have rights due to them having international recognition, they are still limited due to lack of certain forms of identification. This frustrated social workers, as there is no way for refugees to go back and get certificates from their home country. Penelope detailed,

"...there are recognized refugees—the ones who are beneficiaries of the national protection, by law, it means that they have the same rights as Greek population. But when they go to register for food support in the municipality system, they [are asked] to provide a family certificate. How will a refugee get a family certificate? He is a refugee. He can't get it. So they automatically exclude him."

One social worker who worked with refugees in job training and employment explained that previously, refugees were able to legally work, but that the government changed the law a few years ago, making it virtually impossible for people to provide for their families. Thea described,

"[Previously] asylum seekers could get a job legally. Since they get their papers the asylum seeker card, ID. In 2019 it changed and they must be here six months or more to get a job. I don't know why they did that, but it makes things very, very, very, very difficult. Of course you can understand, [they end up in the black market]."

Participants detailed a situation that made it nearly impossible for refugees to survive. They expressed discouragement because they had seen the system improve, only to see it get worse.

- Lack of citizenship rights = Human rights violations. -

Participants described human rights violations in Greece, especially among refugees lacking citizenship rights. Demi explained the plight of those trying to enter Greece.

"...You know that the proof is that the stories of the people that pass from there, they are very cruel...I remember a story of a guy, from Pakistan, was caught [by] the Greek police they took away their shoes and their phones, their money, everything. They beat them, and then they sent them back with a small boat to Türkiye..."

Katherine described treatment of refugees and asylum seekers this way.

"I think that it's worse than how they treat all the other vulnerable people...it's bad. We can see it in the services inside the camp, in the behavior of the people working in the services, not all of them of course. We can see it in the instructions that the police follow...in the measures that are being given. For example, now people [who's asylum claim is rejected] are not allowed to take food."

Once seen as an asylum seeker, refugees have access to services that meet basic needs while their status is being considered. Damian described conditions for those who come to Greece and are not legally recognized since they have not applied.

"If you don't do an application for asylum, you don't have any right. You don't have rights to health, to facilities, to services, you know, food, to find you a place to stay, legal support, social support, mental support. They're trying to make it very strict about this. If you're an asylum seeker, you have access to everything until your asylum application is assessed."

Even when granted citizenship rights, they are, in many ways, worse off than when they were recognized asylum seekers. They have citizen's rights, but without language proficiency, recognized credentials (making it incredibly difficult to gain employment), housing, and security for their families. Anastasia detailed,

"It's like on your own now, because you have the same rights as Greek citizens...it's weird because I cannot choose which option is best, to be recognized with limited services, asylum seeker with maybe more...services provided, but still like weird situation you don't know what is going to happen...I think the legal status is really tricky."

Participants were alarmed about long-term harm from human rights violations and what they perceive as the government's negligent and sometimes harsh stance toward refugees.

- *Refugees do not see a bright future in Greece.* -

Many refugees do not see Greece as a viable resettlement location. Maria stated, "For people who come in Greece these days, they don't have opportunities. They don't see a bright future in front of them." Agnes talked about how refugees prefer to go to countries with a more predictable and organized system.

"...they go to Germany because Germany is 1-2-3-4-5, finish. You know what you have to do, where you have to go, to whom you have to speak. It's very specific, very organized, very clear structure. How it works, they feel safe..."

Whereas in Greece, Agnes continued,

"Even the refugees don't want to be here; they want to pass [through]. Many refugees like and love Greece, but [for] the majority it's hard; the law, the papers, they need to wait a lot of years...But I believe for many refugees, the European dream, Greece is the first step. To get asylum and paper and then go to Deutschland, France, Spain, Sweden..."

Ultimately, they are aware they may receive more reliable and proactive resettlement in other countries.

4.1.2 Discrepancies Between Reception of "Types" of Refugees

There are indications that some refugees are prioritized differently based on their countries of origin. There is also disagreement about whether some migrants should be considered refugees. For example, Pakistanis are viewed as economic migrants rather than as refugees because their country is not war-torn. Participants had much to say about differences in how refugees are treated, including fear of strangers, blatant racism, and prioritizing certain refugee groups over others.

- *"We are afraid of the stranger."* -

Participants talked about Greeks being leery of welcoming refugees because they fear people who are different. Daphne described this trend in this way,

"In Europe and also in America, things are becoming more strict. There is an Italian philosophy that say that we close the borders, we don't like our different things, we are afraid, we are afraid of the stranger, of other religion..."

Daphne continued,

"Yeah, it's visible in their routine, their appearance, so it's very difficult for a Greek person to digest it, because we are also used to the religious system....if you ask someone 60 plus, they will tell you something different...for my generation it's easy to understand the differences but also, I hear from people who are not so open minded even if they are young that they are feeling threatened by this."

This fear can turn to blatant racism, as discussed below.

- *Blatant racism and favoring some over others.* -

Blatant racism was reported by several participants. Lydia shared that some of the African refugees complained that they were being discriminated against.

"I had many times a complaint from African people that they could not find accommodation because of their color...very often...I heard many times that they had difficulty in renting house, due to their color, openly."

Lydia also described shock at blatant racism within the medical community,

"I had a case that a woman would come visit me, and she told me...I visited another organization, and the doctor told me okay, you don't have any problem, leave, leave. The translator refused to translate for this doctor because...he was rude with this woman, and she came to me, and she started to cry... A doctor, a doctor! Why in the world?"

Not all refugees experienced such racism. Numerous participants observed discrepancies between refugee groups in terms of how they are welcomed, treated, and which resources are extended to them. The Ukrainian war led to a rapid global response, including Greece. So, in 2022, social workers in Greece saw Ukrainian refugees rise to the top of the priority list. Daphne shared,

"It's very interesting because you know, if we compare the Ukrainian people with the Pakistanis, imagine that the Ukrainian refugees, in one week, they had their legal papers. And that's taking a year or two years for others."

But there were discrepancies even before the Ukrainian war. Tessa stated,

"...it depends on the countries that they are from...there's some countries that they're more violent and they feel more scared like somebody from Nigeria for example, or from Algeria, Morocco, for example...dangerous. But migrants from Pakistan have it the worst, because I think that the wars are not so famous. There is also always the assumption that they are "money refugees", they come here to work, they send all their money back to the country...there is still mentality that the Syrians are refugees because they did have war, Afghanistan because they did have a civil war."

This prioritizing of refugees also meant that some refugees' needs were greater than others.

4.1.3 Refugees' Greatest Needs

When asked what refugees greatest needs were, social workers listed basic physical needs (i.e., accommodation, food, and clothing), legal needs (registration papers), and socio-emotional needs, such as psychosocial support and a warm reception from Greeks.

- Accommodation and other basic needs. -

The need for accommodation is complex and complicated. Previously there were programs that helped refugees obtain housing; more recently these programs stopped serving anyone except for unaccompanied minors. This was also complicated, because minors were eligible for housing until they aged out, then suddenly they could find themselves homeless. Social workers were helping unaccompanied minors who were getting ready to age out find jobs or obtain vocational training. Chloe explained,

"...Now we have a lot who are going to [turn] 18 and under the new law, they can stay here until 18, and one day, depending on the school year, if they [turn]18 when we still have school, they can stay until the year finishes. But if they [turn] 18 in June when it's not school season, they will have to go. This has changed, because before, we could keep them until they were 20..."

Lydia put it succinctly,

"The major need was always accommodation. And now with current flows...it still remains, because when they come to us, they may have an asylum card, or sometimes nothing, so we are at the entry level, let's say, for them. So [the greatest needs are], accommodation, food, clothes, and medical support."

- Legal papers. -

Social workers commonly responded that refugees' greatest needs were legal papers. As previously discussed, obtaining formal legal status is a long, difficult, and unpredictable process. Everything hinges on whether they receive legal papers or not. Sophia described some difficulties,

"If Greece had a better plan for integration and terms for someone who applies for asylum in Greece, there should be procedures...they didn't have options, they just had to survive. We need...to show them a way. To give them options. But that means that Greece needs to reschedule to become organized, and as a country, Greece is not so organized, even for the Greeks..."

Many essential services are tied to legal papers. Lino explained that people who had no documentation could not access mental health services. Mental health services and lack of ability to speak Greek were important needs other participants identified as well.

- Psycho/social support, language, and empathy/positive warm reception. -

Very serious psychosocial needs were described by Tessa this way,

"They're coming with a lot of psychological problems, because they've been through a lot. The stories we heard about what was going on in camps, like raping and beating and fighting and killing each other...They were putting them, people from different...religions, different countries that they have fights, like Congolese with Cameroonians, they have problems with each other. With police, they have many, many stories of violence... so that makes it worse and worse and worse so when they end up here, many of them have a lot of PTSD, of course, and they have other issues."

Others also were concerned about refugee psychosocial support needs and their inability to access those services. In addition, a language barrier made such support even harder to obtain. This is evidenced by Tessa when she described efforts to integrate children in school,

"...we have a problem with language, of course...it was much worse in the beginning but Greek schools they were not ready for this...Now it's become a bit better. They are having special classes for refugees, but not Greek schools...So again, you have to persuade them to go to a class where they speak alien..."

Beyond language, refugees need to feel like they are welcome. Voicing the importance of empathetic and warm relationships with those helping refugees, Lino said, "One need is someone to listen to them...For people [it] is enough to know that someone can say what they feel for example. Even if they know that we can do nothing."

4.1.4 Social Workers' Recommendations for Preparation and Training

Participants were asked to share what they thought best prepared them to work with refugees. Based on their responses, they were asked to give recommendations of areas that would be helpful for educators and institutions who are preparing current and future social workers to work with refugees.

- Internship and practical experience. -

Most participants highly valued their internship or other practical, hands-on experience for preparing them to work with refugees. Cora explained, "I think we need to have more practical lessons." Damian shared, "...specifically how to deal with the migrant and the refugee, only the field can educate you [on] this." Katherine shared that what truly prepared her for working with refugees was her internship – definitely not the theory that she learned in school.

- Theory is different from actual practice.-

Participants had strong opinions about use of theory. Most thought the emphasis on learning theory during their education has not been practical or useful in the field. When asked to give advice for social work educators or institutions trying to prepare students for work with refugees, Thea said her education contained "too much theory." Thea has been working in the field for 19 years but is now pursuing a master's degree in social work. She explained that the way theories are taught in her classes are not useful to the field because they do not practice them in class. Agnes agreed, "theory is very different than actual practice, I would say." Daphne, Cora, and Sebastian had a conversation about how useless the theory they learned in school feels now that they are in the field. Daphne explained, "we had a lot of lessons from the university, but there is a difference between theory and practice." Sebastian shared, "the first time [on the job, I] forgot the theory." Daphne agreed, "it's useless." Cora added, "And sometimes you have to forget the theories to do this work."

Contrary to most responses, a few participants shared that some theories they learned in school have been helpful for them. Specifically, Anastasia, shared that she would like social workers to be taught "more radical theories, please" especially anti-oppressive,

"because I am studying that right now. But yeah, I admire every kind. The critical, radical one, feminist, anti-racist, and anti-oppressive. But for now, anti-oppressive I would say...but a lot of

people don't even know they exist. And a lot of people like social workers don't know, may not use any kind of approach when they are working, like doing random things...So that's also really important to put the theory in practice and not start from doing things and then put the theory in..."

When asked to share which experiences helped best prepare him for his current role, Andreas shared,

"practice. I worked in a mental health community, working with various programs, European programs. But working with minority people, even disabled, it was important to see for example the social history, learning an assessment process, how to deal with people. Theoretical combined with practical."

- *Approach them as human beings.* -

When asked to give advice to schools of social work or others who are training people to work with migrants, Lydia shared,

"try to be aware of the cultural background, to be updated regarding the ethnicities, or their nationalities, the situation in the countries...it's not so obvious that they stay here, and for this reason, to be focused as well for their future, in their future that they imagine."

Others agreed that cultural knowledge was important and understanding the current context of what is happening in refugees' home country. Evangeline explained,

"if there was a beneficiary but I know he was coming from a country that I had never heard of before, I would seek some information to know what the situation is like there. Is it a safe environment? Have demonstrations happened? Is there insecurity? What rights are being stopped?"

Agnes added that you can also glean some of that information from clients directly. Tessa reported that to prepare for work with refugees, workers and volunteers need to learn to

"accept the differences..., because you have to be very...I don't know if the correct word is open-minded, but you need to accept that...it's totally different [here] than the way that they grew up."

Lydia shared that a basic understanding of different religions, especially Islam, should be part of the social work curriculum because for Muslim clients it influences their entire lives. She recommended learning basic language (like Arabic or Farsi), psychological first aid, emergency planning, counseling cross-culturally, and becoming aware of the cultural background including the situation going on in the countries from which refugees have fled.

Damian explained that it was helpful for him to learn about different forms of abuse, such as female genital mutilation or forced marriage that some of the women he works with have experienced. He shared that learning how to be empathetic towards people with vastly different cultures than his own has been incredibly helpful as he's worked to develop interventions.

Maria and Iris both agreed that learning how to have empathy is critical. Iris offered, "working on our [own] empathy skills in general in order to help ourselves improve" is crucial. Related, Lino has helped to create educational materials to help potential workers or volunteers develop empathy towards refugees. He advised that you must think about what it means to be a refugee – put yourself in their position. Consider,

"how was life before? They were not born refugees; they were something before becoming refugees...we aim to approach them as human beings, not as refugees. Refugees is one condition that cannot give identity to the whole existence."

Lino also shared that those who want to work with refugees must know who they are, too, to effectively work with refugees and people that are different.

4.2 Quantitative Findings

How did social workers in Greece ultimately rate their overall levels of effectiveness? Three quantitative measures serve to capture participants' perceptions of overall effectiveness of response to refugees in Greece (see Table 1).

Table 1: Likert-type questions

Likert Type Measures (1-5)	
Overall effectiveness	M = 3.74 SD = .60
Extent to which you feel you are working effectively	M = 3.96 SD = .51
Extent to which you feel you have resources needed	M = 3.39 SD = .83
Extent to which you feel service recipients are benefiting	M = 3.86 SD = .45

Likert Type Item Score Breakdown:

1 (not at all), 2 (minimally), 3 (somewhat), 4 (significantly), 5 (completely)

Participants report somewhat to significant overall effectiveness with minimal variability ($\bar{x} = 3.74$, $\sigma = .60$). With minimal variability, they reported they feel their own individual efforts are nearly significantly effective ($\bar{x} = 3.96$, $\sigma = .51$). With moderate variability, they report they somewhat have the resources needed ($\bar{x} = 3.39$, $\sigma = .83$). Participants reported, with minimal variability, that their services nearly significantly benefit recipients ($\bar{x} = 3.86$, $\sigma = .45$).

5 Discussion: Implications for Educators

Emerging current practices in Greece align with similar research from Germany (Hagues et al., 2019) and Lebanon (Cecil et al., 2021), which suggests findings may be applicable to other resettlement countries. While Greece faces significant challenges in providing adequate care for refugees, social workers in both Greek and international programs are effectively supporting this population. These social workers often did not initially intend to specialize in this field but have developed a deep appreciation for their refugee clients and are fully committed to their cause. Previous research found that social workers in Greece most often see themselves in supportive and empowering roles for their clients (Teloni et al., 2023).

Participants offered valuable insights into current practices at the micro, mezzo, and macro levels of practice. At the micro level, they emphasized the importance of empathy, cultural sensitivity, and psychotherapeutic understanding and skills. They stressed the importance of doing background research on the culture their clients had left behind (e.g., what were they fleeing? What rights have they been denied?) but also learning from clients to individualize care.

At the mezzo level, community-based services and integration are critical, with breakdowns at this level severely undermining micro-level efforts. Numerous participants

cite racist and discriminatory beliefs in the Greek population that permeate much of the Greek macro system. This is evidenced by the difficulty that refugees from the Middle East and Africa face in finding lodging and even in the ways they were treated by medical professionals. Discrimination seems rooted in fear of difference. Social workers combat this fear through educating the local Greek population and promoting a more global Greece.

At the macro level, participants attributed most failures and shortcomings to broader economic and political issues. These issues create procedural barriers that social workers can confront through re-politicization (Van Acker et al., 2024) while continuing to help refugees access their legal right to asylum, gain citizenship, obtain jobs, contribute to society, and advocate for their human rights.

Participants claimed that effective best-practice approaches require supportive and encouraging teams that prioritize self-care. Morale and a sense of accomplishment, often overlooked, are crucial factors that should be detailed alongside theory-based intervention approaches. A crucial aspect of self-care involves recognizing limitations imposed by macro-system failures. Without this understanding, social workers may internalize frustration and inadequacy when their efforts seem ineffective, worsening conditions for both refugees and the workers trying to assist them.

Participants generally agree that practical learning, such as volunteering and internships, is more effective than academic studies in preparation for social work with refugees. Previous research reinforces this finding. Teloni et al. (2023) found that only 18% of their participants utilized theory. Some participants went as far as to say theory alone was useless; however, as they gain practical experience, many develop a greater appreciation for theory-based learning. An ideal university curriculum should integrate practical learning with theoretical application. In addition, the content of some theories being taught may not be applicable to the reality in which social workers working with refugees are working. Perhaps more emphasis on theories dealing with migration or human rights are needed.

Finally, continuing education is crucial for social workers as they encounter challenges in their work and become aware of their need for advanced knowledge and skills. Many participants noted an interest in continuing education in traumatic stress, a condition they frequently encounter in their work.

6 Limitations

Limitations of this study include a small sample size, variability in social work education and practice in Greece, and potential cultural and language barriers. The qualitative component demonstrates strong credibility, supported by a well-developed structured interview guide, a relatively large qualitative sample, rigorous analysis using Atlas.ti, and a triangulated analytic approach (Patton, 2021). However, the quantitative component is limited by a small, convenience sample and reliance on basic descriptive statistics. As such, quantitative findings are intended only to provide context for the qualitative results and cannot be generalized to the broader population of social workers in Greece.

7 Conclusions

Refugees in Greece face extreme challenges, including inadequate shelter, food, and healthcare, leading to significant impairment of community and family systems (Arvanitis & Yelland, 2021). Despite harsh conditions, inspiring stories emerge of Greeks, international aid workers, and refugees forming supportive and effective communities. However, continuous uncertainty, traumatic stress, and deprivation often overwhelm pro-refugee efforts, pushing refugees beyond their coping limits and leading to frustration and burnout among Greeks (Eleftherakos et al., 2018). It is in this real-life, real-time context that social workers must be continuously equipped with empirically based best practice approaches for effectiveness, efficiency, and self-care.

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The Legal Void in Climate-Induced Displacement: Towards a Global Protection Framework ¹

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Abstract

Climate change constitutes one of the most widespread types of natural injustice that humanity is now facing, and one of its many consequences is the forced migration of people. Those displaced by environmental disruption are referred to as climate refugees, also known as environmental or climate migrants. However, international law has not yet defined how these people integrate into the prevailing refugee legislation or other areas of migratory services. This paper begins by examining the gaps and poor administration of international refugee legislation for climate refugees, and how their lack of institutional and legal standing has been causing them great suffering. A vivid illustration of why those gaps require to be filled is later provided by the cases of Teitiota from Kiribati and various South Asian countries pertaining to climate refugees. The paper also outlines the international relations viewpoint on the global reluctance for recognising climate refugees and offers some suggested fixes. Through the lens of Realism and Constructivism, this paper identifies the nexus between legal vacuum for climate refugees and global inaction. The study comes to the conclusion that the most workable and enforceable answers to the intricate legal issues raised by climate-induced displacement may be found in the explicit revision of current conventions, a restructured institutional framework, and regional and international cooperation.

Key Words:

Refugee, climate, legal, framework, cooperation

1 Introduction

Over the evolution of mankind, a large portion of population migration has been an adaptive reaction to shifting climatic and environmental factors. However, a number of intricate and varied factors influence modern migration, such as globalisation and trade, advancements in communications and travel, multinational migrant networks, significant socioeconomic gaps, a lack of skills, changes in the population, political and economic upheavals and conflicts, shifting capital, and the pursuit of employment and educational opportunities (McMichael, 2015). In addition to creating new pressures that support the

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relocation and movement of people, families, and communities, climate change will intensify many of existing migratory causes.

El-Hinnawi (1985), in a report published by the UN Environment Program (UNEP), described environmental migrants as

"Those people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption ... that jeopardised their existence and/or seriously affected the quality of their life." (United Nations University, UNU-EHS, 2008: 5).

According to scientists, within 2050, 143 million Global South residents would be negatively impacted by continued climate change, which may exacerbate a variety of movement and mobility patterns (Almulhim et al., 2024). Millions of individuals will have to flee their towns and cities in pursuit of safety over the next decades due to climatic calamities, which will have a profound impact on their lives. Although there isn't a single, accepted definition of climate-induced human mobility, in general, it implies to movement of people motivated by precipitate or gradual modifications to the environment or weather (Overseas Development Institute, 2016). This can involve forced and voluntary movement, periodic and solitary mobility, and brief and everlasting movement. Internal and cross-border displacements are both included in the category of climate-induced displacement.

Although the former presents difficulties, the latter is especially troublesome because those escaping environmental catastrophes – often referred to as "climate refugees" – lack a status that is recognised by the law (Padonu, 2025). Some people object to the term "refugee," which has a specific meaning in international law, legislation, and individual liberties, as well as a connection to persecution, being applied to a group of people with a wide range of movement dynamics and motivations (Toussaint, 2016). Some people would rather use more specific terminology like "forced displacement," "forced migration," or "forced displacement due to climate change," or they would rather categorize individuals impacted under the heading of "forced displacement" (Gemenne, 2015).

Despite the fact that climate-related displacement is becoming a more serious worldwide concern, people who are compelled to leave their homes because of environmental reasons are still not shielded by existing worldwide legal frameworks. From the standpoint of international relations, the problem of climate refugees calls into question accepted international conventions, leading to a critical examination of state obligations, burden-sharing, and the effectiveness of multilateral institutions in addressing global human mobility. However, the fragility of climate refugees is increased by their lack of legal status, underscoring the urgent need to address human rights issues.

The purpose of this article is to highlight the main institutional and legal weaknesses that prevent climate-induced migrants from receiving adequate protection. It also looks at the effects that these migrants have had as a result of their lack of official legal status. Lastly, the study examines possible reforms to solve these difficulties and assesses international relations (IR) theories that could account for the lack of coordinated action on climate refugee issues. Finding the main institutional and legal lapses that affect climate refugees' protections and how their lives are made unpleasant by them requires the development of appropriate frameworks and changes. International collaboration and the participation of several stakeholders, such as governments, non-governmental

organizations, academia, and intergovernmental entities, will be necessary for the growth of such an alternative legal framework.

2 Literature Review

Gemenne (2015) asserts that the idea of “climate refugees” or “environmental refugees” has gradually been dropped since it lacks a legal foundation and wished to make the case that the phrase has valid uses. He also argued that migrants shouldn’t be seen as helpless victims who must endure the consequences of climate change, but rather as ingenious adapters of their own. Displacement brought on by climate change presents serious problems for the current international legal systems. McDonnell (2023) has shown that the demands of those affected by climate change cannot be met by the present-day refugee protection system, especially the 1951 Refugee Convention. High thresholds for refugee status and fundamental disputes worsen this protection discrepancy. Handayani and Fauziah (2020) contend that Global protection systems have issues due to migration caused by environmental factors. Although climate refugees are not specifically covered by the 1951 Refugee Convention, additional legal agreements may provide protection.

The White House report of Yayboke et al. (2025) emphasises the necessity of allocating the resources required to lessen the humanitarian impact on displaced people. The research examines the geopolitical ramifications of climate migration and the primary role of international cooperation in response, in addition to emphasising the necessity of proactive foreign assistance and the protection of impacted individuals. Al Banna (2024) analyses the legal void around the position of environmental refugees, who are not granted legal status and, as a result, are not protected by international law. According to this article, there is no legal definition of environmental refugee identity; therefore, public international law must create legally protective tools by ratifying the applicable agreements.

Due to the lack of legal recognition, the victims of climatic hazards are likely to be impacted a lot. Chu and Micheal (2019) show that urban climate justice in Indian cities is intricately linked to the recognition and inclusion of migrants, who often face environmental marginality and economic precariousness. These vulnerable populations experience heightened exposure to climate risks and are frequently invisible to official state apparatuses. According to Fauziah (2022) the legal status of climate refugees is still unclear according to global law, as demonstrated by the Ioane Teitiota case.

The UN Human Rights Committee’s suggestion recognises the impact of climate change as a potential factor for asylum-seeking, which triggers the non-refoulement concept, even though the 1951 Refugee Convention does not specifically address climate refugees. Beena (2024) asserts that- due to this legal loophole, present refugee law does not provide international protection for climate refugees. The rights and advantages usually granted to traditional refugees, like the right to asylum, protection from being compelled to go back to their countries of origin, and access to welfare services, are not available to them. She further adds that the governance problem is made worse by states’ unwillingness to broaden the definition of a refugee to include people who have been displaced by climate change. Sahinkuye (2019) outlines that despite the increasing number of persons evacuated by environmental concerns, the term “environmental refugees” does not have a legally recognised connotation or legal status in international

law. It tackles issues about the presence, characteristics, universality, rationale, and legal standing of environmental refugees through a multidisciplinary strategy.

Gibb & Ford (2012) talk about how international law, especially the United Nations Framework Convention on Climate Change (UNFCCC), requires the identification and protection of climate migrants. The UNFCCC should acknowledge climate migrants, according to Gibb & Ford, with an emphasis on the most vulnerable groups. There is a remarkable dearth of study on the real scenario of effects due to this lack of legal standing, despite the fact that the available literature examines the legal loopholes and protection of climate refugees in great detail. Furthermore, little is known about the IR viewpoint on the world's inactivity on climate refugees.

3 Theoretical Framework

Due to the potential for local and international dispute over land, water, and various other materials, climate change has emerged as a concern that might shake up nations' political and economic systems (Meadowcroft, 2009). The logics behind the global inaction and policy gaps can be understood through the lens of IR theories like realism or constructivism.

Prior to and soon following World War I, international relations became a recognized academic field, mostly in response to realist balance of power politics (Donnelly, 2000). The state is a single and rational actor, according to the tenet of the realism theory of international relations (Herz, 1951). The state can detect interests and aims and assess their relative value as a single actor. The state can choose the best course of action for accomplishing its objectives by doing a cost-benefit analysis. Realists hold that there are conflicts inside the international system. Stated differently, friction and disputes are hallmarks of world politics (Usiemure & Gbigbidje, 2018). Realists and rational choice theorists believe that moral principles, ethics, and justice are "oxymoronic expressions" that have no place in international politics (Khan, 2016). There is no global government or authority to police or supervise the safety of migrants caused by climate change, according to realist theory. There isn't a single international organisation that is solely in charge of resettling or protecting those who have been displaced by climate change. The "high politics" of realists have never given much thought to climate change since they were not particularly interested in tackling its underlying causes (Unny, 2020). Realists believe that rather than being a scientific or economic issue, climate change is a political one (Giddens, 2009). Realists think there is little chance of reaching an international consensus and contend that addressing this issue domestically will be more beneficial than attempting in vain to solve it on a global scale (Unny, 2020). When viewed through a realist lens, the absence of a central government or authority to authorise climate refugee issues, states' unwillingness to prioritise humanitarian crises over national security or concern, etc., serve as the rationale for a dearth of legal status or safeguarding for climate refugees.

Constructivism is an IR theory that recognises the significance of the worldwide system's normative aspects as well as its material components (Muni, 2020). It is obtained through an intellectually stimulating and meaning-making process in which people come to a realisation and form meanings in their thoughts using their own comprehension of the event (Nazir et al., 2024). Constructivists view the identity and goals of states as a highly malleable product of unique historical processes, as opposed to taking the state for

granted and asserting that its sole goal is to survive (International Affairs Forum, 2025). International relations are significantly shaped by social structures like identity and customs. They influence how players react to opportunities and challenges and offer a framework for comprehending and interpreting events. Constructivists contend that because norms offer a framework for defining what conduct is acceptable and undesirable, they are essential in influencing international behaviour. For example, by creating the principle of non-interference in the internal affairs of other states, the norm of sovereignty has influenced international relations (Lee, 2025). The Refugee Convention primarily addresses issues of violence, persecution, and political targeting but currently does not encompass individuals displaced solely by environmental factors, including climate change (Sachs, 2025). As of right now, there isn't a legally accepted definition of climate refugees. The Refugee Convention itself has a number of strict clauses and does not specifically include persecution brought on by climate change in the definition of refugees. As a result, it leaves a legal void that makes it extremely difficult to provide protection (Fauziyah, 2022). Constructivism describes how this debate over discourse influences the actions or inactions of nations.

4 Methodology

The majority of the study's data comes from secondary sources. Relevant data and information have been gathered from newspapers, policy documents, reports, published journals, and current literature. The study analyses the worldwide legal and political circumstances involving climate refugees using a critical theoretical and qualitative case study approach. The inquiry has been conducted using two theoretical lenses: constructivism and realism. Constructivism examines the legal loopholes, whereas realism examines institutional and global passivity. In order to achieve the specified research goals, the study employs a descriptive and analytical methodology. Data is combined using legal and political interpretation.

Two complimentary qualitative case studies are used in the study to empirically support the setbacks that the theoretical framework projected. This study's drawback is that it only used secondary sources that were already in existence; primary data collection methods like surveys and interviews were not used. The study's emphasis on interpreting well-established legal doctrines and global policy positions – the best evidence found in published international reports and legal scholarship – helps to mitigate this constraint.

5 Key Legal and Institutional Gaps for Climate Refugees

According to the literature currently available, the number of people affected by the climate refugee crisis will exceed that of all previous refugee crises, even though the precise numbers are unknown and differ from evaluation to assessment based on underlying methods, scenarios, time frames, and assumptions (Biermann & Boas, 2012). The climate refugee crisis is further intensified by the lack of legal and instructional gaps. Key legal and institutional gaps in the national and international system are discussed below-

5.1. Insufficient Clarity in Concepts and Definitions

There is much debate in the fields of refugee and human rights studies over what constitutes climate-induced human movement. The lack of a definition in international legal frameworks is what drives this discussion. The terms "climate refugee" and "climate

displacement” are not interchangeable, but neither have been agreed upon by refugee-law specialists nor are they formally defined by international refugee law (McDonnell, 2023). The phrase “climate refugee” is frequently used as an apocalyptic tactic to further state political goals, despite its intended strengthening of global justice for climate displaced people and increased accountability of industrialized nations for their role in contributing to climate consequences (Mayer, 2018; Veronis et al., 2018; Himiide, 2023). “Refugees” from climate change have been portrayed as threats or sufferers whose cross-border travels must be controlled (Johnson, 2018; Himiide, 2023). A more constrictive definition based on a dread of “being overwhelmed by an influx of displaced people” is represented by this dehumanization (Atapattu, 2018; Montgomery, 2018; Mwandimwe, Kita, & Raleigh, 2018). Such a political focus on securitizing state sovereignty may undermine the legal safeguards afforded to climate affected people and run counter to the moral objectives of the Refugee Convention. Since the term “climate refugee” is not used in international refugee law, its use only contributes to solidify the legal uncertainty surrounding environmentally-forced human migration, resulting in neither legal status nor certainty conferred by the term “climate refugee” (McDonnell, 2023).

The 1951 UN Refugee Convention does not apply to climate-induced migrants or climate change, according to the UNHCR, the main international organisation that protects refugees, internally displaced people, and those compelled to flee persecution (Formale & Doebller). The 1952 Convention relating to the Status of Refugees and its Statute, which both include particular specifications of a refugee, serve as the main foundation for UNHCR's mandate. Even when someone crosses an international boundary, these definitions don't seem to apply to them (Formale & Doebller).

Because conflict-induced and disaster-induced relocation have different origins and solutions, it would be “confusing” to encompass both in the description of internally displaced people (IDPs), according to a 2005 expert study to the UK government (Cohen & Bradley, 2010). Many nations are still hesitant to acknowledge the status of climate refugees in their legal systems, despite this issue's growing gravity. Despite the fact that millions of people are displaced by climate change, no norm has been there in international law that this displacement should give rise to refugee rights. There is no strong entrepreneur pushing for a legally defined definition, despite the fact that several UN agencies and NGOs advocate for protection. States claim that people who are fleeing or seeking asylum because of climate change are not being openly persecuted or restricted safeguarding in their countries of origin, so their fear is not “well-founded,” in order to escape accountability for granting asylum under the non-refoulement principle (Spadotto, 2018).

Because of this, people are unsure of the rights and safeguards they are entitled to. Indonesia has yet to ratify the 1951 Convention and the 1967 Protocol, in spite of Presidential Regulation No. 125 of 2016 on the Handling of Refugees from Abroad, which is leading to the legal standing of climate refugees in Indonesia in ambiguity as well as contingent upon relevant state policy (Sabirin et al., 2024). In the meantime, other ASEAN nations deal with refugees in a similar way as a result of climate change. For instance, while being a popular destination for asylum seekers, nations like Malaysia and Thailand lack explicit legislative frameworks to safeguard climate refugees (Weber, 2014). Government representatives in the US agreed on all potential classifications of people displaced by Hurricane Katrina, with the exception of internally displaced people, following

the belief that IDPs were mostly persons who had been displaced by fighting “overseas,” they referred to them as “refugees,” “evacuees,” and, lastly, “disaster victims” (Cohen & Bradley, 2010).

According to Article 14 of the Universal Declaration of Human Rights, anybody escaping persecution, torture, or molestation has the right to seek asylum in another nation (Pourhashemi et al., 2012). Unfortunately, even though this global declaration formally recognises refugee rights, it is unable to address the violations of those rights who are compelled to flee their country of origin and seek safety in other nations due to environmental factors and the effects of climate change because it does not specify the reasons for immigration.

The 1951 Geneva Convention is regarded as the primary international legal source pertaining to refugees (Pourhashemi et al., 2012). It has been decided that cosignatory nations will not punish immigrants who have fled their place of origin owing to dangers and have unlawfully entered the host nation without their consent, in accordance with Article 31 of this treaty concerning refugees who live there illegally (Pourhashemi et al., 2012). This is only if they present themselves to the appropriate authorities right away and give compelling justification for their entry or unlawful presence. Other than those necessary for these immigrants to travel back and forth, the relevant government will likewise have no restrictions. These restrictions will only apply until the refugee’s status in the host nation is ascertained or they have not been granted authorisation to enter another nation.

After considering the aforementioned points, it is determined that refugee rights apply to those who are in danger or under threat, while the cosignatory country is tasked with determining whether or not to accept this category of people. Since refugees are defined for grounds apart from environmental concerns, it is therefore difficult to generalise the legislation governing this group of refugees to environmental refugees. The condition may make them more susceptible to prejudice and abuse. In this regard, it is imperative to support the creation of new legal frameworks that particularly govern the protection and status of refugees as a result of climate change.

5.2. Limited Legal Protection

Limited legal protection and the issue of definitional clarity are strongly related. Because the international legal status of climate refugees is unclear, the global community is still yet to come to an agreement and the issue of climate refugees brought on by climate change cannot be resolved. It is challenging for climate refugees to obtain additional protection from the UNHCR due to the ambiguity surrounding their global status, an absence of legal recognition as traditional refugees, and their distinction from environmental refugees. Even though international organisations like the International Committee of the Red Cross (ICRC) and the International Organisation for Migration (IOM) provide aid to climate refugees, this aid is purely humanitarian in nature and cannot be sustained over the long run due to the uncertainty surrounding the refugees’ international status (Leng et al., 2022). The present legal tools for protecting refugees

“don’t conveniently adapt themselves to shielding people who have been uprooted by the adverse effects of climate change, especially those that address migration across borders,”

according to a White House assessment released in November 2021 (Yayboke et al., 2022). The Global Compact for Safe, Orderly, and Regular Migration, which was ratified by 164 nations (except from the U.S.) at Marrakech in December 2018, urged nations to prepare to stop climate-related migration and assist individuals who are compelled to transfer (Narayanan et al., 2023).

However, these frameworks are not sufficiently developed to support climate migrants, nor are they legally obligatory. The hazard migrants experience makes the absence of protections evident: according to a UN assessment, 50,000 people died while migrating from 2014 to 2022 (OHCHR, 2023). The non-refoulement principle becomes crucial to comprehending the rights and safeguards that climate refugees ought to get. The current international legal framework is unable to meet the requirements of climate refugees, creating a legal void in their safeguarding. People who are compelled to relocate because of environmental changes are not covered by the 1951 Refugee Convention or the 1967 Protocol, hence they are not granted legal refugee status (Sabirin, 2024). However, according to Ragheboom (2017), climate refugees might potentially be included under the rule of non-refoulement that stems from international human rights law (Handayani & Fauziah, 2020). The 2005 Hyogo Framework for Action and other human rights-related guidelines for victims of natural disasters are examples of soft laws that do not have legal force behind them. For example, most nations still do not incorporate catastrophe risk considerations and climate migration issues into their plans for future growth, even though the 2005 Hyogo Framework for Action focusses on building disaster preparedness systems in many nations (United Nations Office for Disaster Risk Reduction, 2005). Similarly, host states are not required by law to award temporary or permanent refugee status to those climate migrants, as the UN High Commissioner for Refugees has the authority to handle climate migration cases (Zhang et al., 2021). The present Temporary Protected Status is quite limited and does not apply to international climate migration cases. Long-term droughts might not be as important as abrupt natural disasters that immediately attract public attention, but like those impacted by rapid-onset catastrophes; many victims of slow-onset drought crises also look for safety and work opportunities outside of the drought-affected region. However, numerous governments only provide a few basic essentials, such as food and shelter, to climate migrants rather than job possibilities (Zhang et al., 2021).

Moreover, a few of institutions address the issue in part, but none do it thoroughly. The 1951 Convention governs how the UNHCR (United Nations High Commissioner for Refugees) handles refugees; however, climate refugees are not covered by that term (Streeter & Cloward, 2022). The International Organisation for Migration (IOM) assists in managing migration generally, but primarily deals with planned displacement or voluntary movement rather than official refugee status. The United Nations Framework Convention on Climate Change (UNFCCC) focusses on adaptation and mitigation of climate change rather than providing legal protection for displaced persons (Gieseken, 2017). Generally speaking, hosting states have more authority over what and how to handle those refugees. When national interests are the only thing on one's mind, one may worry that this could interfere with national security and eventually force states to spend more money on foreigners than they could on their own citizens. Because establishing new standards entails legal obligations and resource commitments, states are reluctant to do so.

Lack of money eventually robs the refugees of their fundamental human dignity as well as their capacity to live freely in new, safe regions. The home nations of climate refugees are given primary responsibility, which runs counter to international accountability for climate change victims. Furthermore, the UN High Commissioner for Refugees can only handle a small portion of the additional number of climate refugees that several studies estimate would arrive by 2050 (Biermann & Boas, 2012). These governing structures are unlikely to be able to handle the impending climate refugee problem. Because each nation has different interests, collaboration on the climate change issue is challenging, thus leading them advocating for domestic and internal policies than international accords (Grieco, 1988). Furthermore, agreement within global climate change conferences would be challenging due to the different viewpoints and mistrust that exist among countries (Sofer, 2015). According to realism, states are less inclined to welcome refugees because each one acts for its own benefit. According to this viewpoint, refugees are viewed less as an asset and more like a drain on the wealth and services of the host nation (LA, 2022).

Both local and international law should guarantee the protection of groups of people deemed particularly susceptible to climate change from the standpoint of human rights. However, climate refugees are not specifically protected by international law or any of its branches (Leighton, 2010). Nonetheless, victims of ecological disasters are not covered by international humanitarian law, which is solely intended for “victims of armed conflicts” (Al Banna, 2024). As a result, large-scale climate migrants who cross international borders are not given the same treatment as internally relocated migrants under the majority of countries’ migration management regimes. They risk criminal charges, discrimination, or repatriation under unknown circumstances if they pass an international border but do not get accepted as refugees.

5.3. National and Institutional Arrangement Gaps

Insufficient institutional frameworks for preserving the human rights of environmentally affected people are frequently a reflection of the lack of legal and definitional clarity for these groups. In fact, there are very few national laws, legislation, and execution tools that include human rights considerations into disaster response. Zarsky demonstrates that the worst effects of climate change, including drought and an upsurge in natural disasters, are expected to occur in the Tropics and if every coastal nation is equally concerned about rising sea levels, the Tropics are more vulnerable due to three factors: high demographic tension, challenging settlement conditions, and limited financial capability (Mayer, 2011). Although there are difficulties for all coastal nations; “poorer countries are under-equipped to support widespread adaptation” (Warner et al., 2009). The consequences may be fatal. Transport preparations for the impoverished without personal automobiles or for inmates or hospitalised individuals were not part of the Federal Emergency Management Agency’s (FEMA) relief and evacuation strategies implemented along the Gulf Coast in the United States, leading to accusations of “racism and classism” as the majority were African-American (Cohen & Bradley, 2010). These disparities were brought to light by the UN Human Rights Committee, which keeps an eye on states’ adherence to the International Covenant on Civil and Political Rights (Cohen & Bradley, 2010).

The rights pertaining to the effects of climate change aren’t clear or recognized at international law, despite appeals to individuals who are displaced, migrated, or resettled. Despite the fact that protecting rights is frequently an urgent problem, there are not enough specialized safeguards for less urgent situations, such as when individuals face

the possibility of long-term, forced displacement due to the effects of climate change (Baker-Jones & Baker, 2015). Insufficient camps and settlements infrastructure came about from inadequate planning and strategy in many places to handle the large influx of refugees in some areas and accommodate the quick extension of camps. For instance, in Jordan, it has been claimed that refugee families' dwellings in the Al Baqa'a, Zaatari, and Azraq camps lacked thermal insulation, as well as high energy expenditures in relation to income frequently make air conditioning or heating unavailable (Fransen et al., 2023). Moreover, inadequate drainage systems and sanitation services near water sources may lead to public health crises after extreme events. According to research, India's existing urban administrations are ill-equipped to handle environmental migration waves, which frequently leads to insufficient infrastructure and public services (Chu & Michael, 2019). The fact that social safety nets and welfare programs are occasionally linked to citizenship rights that are limited by jurisdictions further jeopardizes the basic needs of migrants. For instance, immigrants from one state may no longer be able to take advantage of public distribution networks and health programs offered by other states.

The second major framework for discussing the obligation of the humanitarian community to climate change refugees is that of human rights. In recent years, humanitarian organizations have adopted a human rights agenda in their mission to alleviate suffering; that is, violations of human rights command humanitarian action (Sood, 2017). Human rights legislation provides legal recognition and protection for migrants displaced by the effects of climate change, but no real mechanisms are being created or implemented globally (Duong, 2010). People who are most impacted by climate change are more likely to reside in low-income nations with inadequate mitigation and adaptation measures (Albrecht & Plewa, 2014). Despite being one of the nations' most vulnerable to the effects of climate change, Bangladesh lacks adequate national and institutional arrangements for protecting refugees from the phenomenon who enter the country through its borders (Jolly & Ahmad, 2019). Although Bangladesh has been a member of the UNHCR's EXCOM since 1995 and is familiar with the 1998 United Nations Guiding Principles on Internal Displacement, the government of Bangladesh regrettably lacks proper arrangements to safeguard the climate refugees (Jolly & Ahmad, 2019).

The absence of robust international funding organisations and methods is a direct consequence of the anarchic nature of the international system. The fragmentation is seen at the national level results from states' self-serving refusal to establish a central body that could compel burden-sharing or compliance. States at the national level and other dispersed organisations at the international level exhibit less extensive arrangements when it comes to protecting the climate refugees because there is no global authority to oversee and track their welfare. This is how climate affected people are being victims due to lack of proper national and institutional arrangements.

6 The Teitiota Precedent and South Asia: Climate Refugees in a Legal Vacuum

Although research on migration linked to climate change is growing, little is known about how environmental refugees face their "vulnerabilities" and strengthen their individual and communal capacity to deal with issues related to livelihood, health, and climate in their "new" socioeconomic and political environments (Das & Basu, 2023). Every part of our globe is steadily changing due to the global phenomena known as climate change.

Climate migration is a major humanitarian impact of the numerous environmental consequences. Given the likelihood of additional environmental deterioration, this section examines the contemporary circumstances of those affected by the lack of legal definition and status, especially in South Asia. This includes a case study on Ioane Teitiota from Kiribati.

6.1. The Teitiota vs. New Zealand Case

The “Teitiota vs. New Zealand” case is among the most representative examples of the dire effects of climate crisis and lack of legal status of climate refugees (Dalla Costa & Copi, 2023). Because the UN Human Rights Committee (HRC) for the first time recognized that deporting someone to an area where their life is in danger due to the negative impacts of the climate crisis could constitute a breach of their right to life, this case drew international attention. It highlights several of the uncertainties around the reasons, language, and needs for safeguarding when relating to the nexus between climate change, forced migration, and human rights. The Ioane Teitiota vs. New Zealand case flags the shortcomings of existing legal systems by being the first effort to designate a person displaced by climate change as a refugee under international law.

In the early 2000s, Ioane Teitiota and his spouse were struggling to make their living on substandard land that frequently flooded and overflowed during high tides (Sindhoora & Pious, 2025). But in 2007, after moving to New Zealand, he and his spouse were able to obtain work permits, and they seized the chance to relocate right away (Streeter & Cloward, 2022). But when their visas expired, they inadvertently failed to renew them in a timely manner, which led to issues. Teitiota stated that he was compelled to migrate from the island of Tarawa in Kiribati to New Zealand due to the impacts of climate change as well as rising sea levels, particularly the scarcity of drinking water on Tarawa due to congestion and saltwater poisoning (Steenmans & Cooper, 2020). Teitiota consequently applied for refuge in New Zealand, but the Immigration and Protection Tribunal denied his request.

Teitiota and his family were logically deported back to Kiribati after they were unable to agree on their legal status in New Zealand. With the help of his attorney, Michael J. Kidd, Ioane Teitiota presented his case to the government of New Zealand. The court recognised and considered the proof and testimony presented by Teitiota, his wife, and John Corcoran, a doctoral candidate studying climate change in Kiribati, in accordance with the 1951 Convention on Refugees and the 1966 International Covenant on Civil and Political Rights (Sindhoora & Pious, 2025). But the tribunal ruled that, “There was no evidence establishing that his situation in the Republic of Kiribati would be so precarious that his or his family’s life would be in danger”, finding that the evidence still fell short of what was needed to give Teitiota a strong basis for his claim (Streeter & Cloward, 2022). The rationale of the New Zealand courts also has an implicit and profoundly twisted component. The argument goes, if communities impacted by climate change work together to deal with their circumstances and then apply for asylum under the Refugee Convention or the ICPPR, they are unlikely to succeed: there will not be any violence, unfair treatment, or legitimate claims (Behrman & Kent, 2020). They might be given admittance if, on the other side, they are victims of violence and discrimination. To put it briefly, in order to achieve human rights protection, impacted populations are required to exhibit the worst human behavior toward one another, going above and beyond the environmental harm. The importance of interpreting Article 1 A (2) of the Refugee Convention in

determining refugee status is made apparent by the interpretation of the Ioane Teitiota incident along with additional asylum applications concerning climate change, including the 2000 Refugee Appeal No. 72313 (Fauziyah, 2022). This interpretation is significant because it confirms that people displaced by climate change do not automatically qualify as refugees unless they also meet the Convention's existing grounds of persecution.

With the addition that at least one of the Teitiota family's children had become ill since returning to Kiribati, most likely as a result of drinking tainted water, the evidence before the HRC was virtually the same as that what was submitted to the courts of New Zealand. The HRC determined that the information provided about the risks in Kiribati was entirely trustworthy but the claim was rejected once more (Behrman & Kent, 2020). Although the HRC acknowledged the gravity of the issue, Teitiota was not eventually recognized as a climate refugee, as the HRC did not find the risk of his life sufficiently imminent. Consequently, in general, the case has not significantly altered the meaning of "climate refugee" as it is used today (Steenmans & Cooper, 2020). The HRC's stance is generally heavily criticized by Muhumuza, who claims that New Zealand's approach is more akin to putting a submerged individual back onto a sinking vessel, with the "justification" that there are actually other passengers on board (International Covenant on Civil and Political Rights [ICCPR], Annex 2, para. 1). Even if Kiribati is making every effort to improve the situation, people's lives and dignity are still at danger as long as this vulnerability persists (ICCPR, Annex 2, para 1). In spite of this, the HRC's handling of the Teitiota case at least advances the goal of creating legal safeguards for recognizing climate-related risks to life for those escaping the consequences of climate change.

Teitiota, his family and many others in a similar predicament have to endure in dangerous and worsening circumstances if they are not granted a legal protection status, despite the fact the HRC decision was hailed as a significant step forward. Climate refugees cannot benefit from the legal protections offered by the Refugee Convention or other international agreements if they do not have a legal status. Therefore, legal recognition of climate refugees under international law is required to address their protection needs.

6.2. Regional Case of South Asia

The South Asian region's geographical facts show that nations without land borders like Afghanistan, Nepal, and Bhutan are likely to be impacted by the receding of glaciers while India, Pakistan, Bangladesh, and Sri Lanka are susceptible to coastal floods and sea level rise, and the Maldives confronts a serious risk of disappearance. There is no regional pact or legal framework in South Asia to deal with migration brought on by climate change. None of the South Asian nations have enacted a particular legal framework for climate refugees, and the majority is not signatories to the 1951 Refugee Convention. Rather, they handle migratory difficulties through domestic legislation and ad hoc actions, frequently in the context of crisis management (Beena, 2024). Many oppressed groups in the area, who receive very little legal assistance in their host nations, are impacted by the absence of official acknowledgement towards the refugee regime. The Sundarbans' ecological sustainability is being compromised by intensifying catastrophes and elevated sea levels, rendering it more vulnerable. As a result, a large number of people who reside in Bangladesh and India alongside their borders are forced to migrate (Kishtwari, 2024). In these nations, migration brought on by climate change has serious societal repercussions. Due to their heavy reliance on agriculture and fishing, rural people experience frequent climate shocks, which can result in food poverty and unstable

economies (Kabir & Kamruzzaman, 2022). Massive migrations to cities like Dhaka, Kolkata, and Mumbai – which are currently grappling with overcrowding, water scarcity, and poor housing infrastructure – is a result of this (Rahman, 2020). The risks are exacerbated by the fact that many migrants are compelled to live in unauthorised areas, which are frequently found in places that are vulnerable to flooding or other disasters. The legal systems in Bangladesh and India are still unable to handle climate migration regardless of these obstacles (Piguet, 2025). Migrants frequently live and work in unstable situations since they are not officially recognised or have access to social safety programs (Gupta et al., 2023).

Pakistan is not a signatory state to the 1951 Refugee Convention and its 1967 Additional Protocol, but it has been hosting refugee populations from all corners of the world (Chowhan, 2011). Pakistan is home to 1,505,525 refugees, comprising 1.5 million officially recognised Afghan refugees, making it the second-largest refugee population in the world (Nation, 2017). An APEX committee in Pakistan has implemented a plan to repatriate over 1 million foreigners in 2023, in light of the concerning number of Afghani refugees living there; the primary target are Afghani refugees without legal status (Shekhar, 2024). In a similar vein, climate refugees in Sri Lanka receive very little assistance despite their modest numbers. Fortunately, there are minimal healthcare services available to the just over 1,000 refugees who have been documented with UNHCR, but none of them are able to access school or work (UNHCR, 2018).

The Maldives have been attempting in vain to prepare for migration and relocation due to climate change, though the destination for such relocation remains undetermined (Vlassopoulos, 2013). However, the Maldives will inevitably face climate refugees as a result of rapidly developing climate change brought on by rising sea levels, severe weather predictions, ongoing flooding, and alterations to island and marine environments brought on by rising sea and land temperatures that could end the Maldives' existence as a nation-state. Three-quarters of the Maldives land mass is only one meter above sea level, and even a minor increase in mean sea level could threaten human rights and cause a humanitarian crisis for the Maldives' continued existence (Anton & Shelton, 2011). The legal protection of refugees in the Maldives is severely lacking, refugees are not accommodated there, and no civil society organisation or NGO makes any claims to offer legal guidance or support to refugees in the Maldives (Chomette, 2010). As a result, the Maldives lack a legislative framework for protecting climate refugees.

7 Proposed Solutions

There is a significant issue with the legal status and protection of environmentally displaced people on a global scale, particularly given the legal void left by the absence of protection under existing international agreements and the global community's unwillingness to adopt explicit legislation pertaining to migration and the environment. It is evident that those who are ecologically displaced are not adequately protected by the protective mechanisms now in place with regard to human rights, refugee status, and disaster law (Sahinkuye, 2019). Some reforms for the legal recognition and protection of climate refugees are proposed below:

Some supporters for the protection of climate refugees have proposed modifying the 1951 Refugee Convention since many of the individuals who have been displaced across borders do not appear to meet the criteria for being either refugees or stateless persons

(Kolmannskog & Trebbi, 2010). However, detractors, such as the UNHCR and the NRC, have noted that any attempt to change the 1951 Convention's characterisation of a refugee poses the risk of necessitating a complete renegotiation of the agreement and any revisions might completely destroy the internationally recognised refugee protection mechanism given the current political environment (Kolmannskog & Trebbi, 2010).

Thus, the focus should be on two distinct strategies that could potentially mitigate the effects of climate change on climate refugees in the future. The first proposes creating a new convention or protocol that would explicitly address the situation of those who have been displaced by climate change. But as will be demonstrated, a number of expected drawbacks make the creation of a new convention or protocol both improbable and undesirable. Later on, the development of soft laws that could eventually result in regional hard law treaties will be examined. This strategy may play a greater role to safeguard vulnerable individuals who are internationally displaced as a result of climate change because it avoids some of the challenges associated with a new convention.

An institutional framework must be structured using a number of components. UN agencies have little discretion to engage in non-mandated activity; therefore having a defined mandate and goals is crucial (McNamara, 2007). A COP Decision should specify the UNFCCC's mandate in relation to climate migration, together with the particular goals established by an Ad Hoc Working Group on Climate Migration. The Working Group shall interact with other UN and non-UN bodies addressing pertinent issues and include current and potential victims of climate migration in the development of policies and programs. Similar to how historical and global structures have shaped environmental issues, global players must play a major role in finding long-term solutions. States are in charge of organising, forecasting, and controlling the effects of climate migration, but pledges, strategies, and institutional assignments will be decided through high-level collaboration and discussion between national governments, intergovernmental organisations, and civil society (Gibb & Ford, 2012). Creating a large but indicative working group for every stage of international level decision-making is neither appealing nor inexpensive, but involving impacted parties at crucial points, especially in the early stages of development and testing, increases the likelihood of successful policies and long-lasting outcomes, granting legitimacy, and establishing procedural justice (Grasso, 2010).

The global refugee protection system is ineffective. The majority of wealthy nations consider climate refugees as someone else's issue rather than as a global crisis that they are a part of (Dhaka et al., 2022). Prior to anything else, rather than as a national issue, all nations must consider climate change and climate refugees as a global humanitarian disaster which they must all work together to overcome. Leaders around the world must start prioritising people's lives. To the greatest extent feasible, the creation of normative frameworks to safeguard those displaced by the consequences of climate change will need to make use of both the soft and hard legal channels at its disposal. However, protection gaps are likely to continue given the enormous obstacles to taking collective action on the matter (Ferris & Bergmann, 2017). It is also clear that norms will not be sufficient on their own. The creation of a bottom-up desire for change will require the cooperation of national and international civil society organizations. People who have survived a climate-related disaster should not face life-threatening conditions during their displacement, whether while crossing borders or while residing in refugee camps. In these difficult times, national support is essential, and it will only be offered when climate

refugees are viewed as an asset, through outlining their skills and contributions to the host communities -rather than as a burden on host nations. The creation of social entrepreneurship cells may be beneficial in small-scale and urgent crises. All cell members should receive the necessary training, and those cells can serve as an immediate option for quick preventative or therapeutic support. Discussions about climate refugees should not stray from the topic of prevention. Investing in climatic and ecological remedies for the world should be the current generation's top priority in order to prevent forced migration. Naturally, some calamities are beyond our control, but those that can be avoided should be, regardless of the effort or time required.

8 Conclusion

Millions of people are already impacted by the growing severity of natural disasters and environmental degradation, so it is imperative to broaden the legal discussion around the necessity of emergency assistance for this susceptible group. Recent research and empirical data demonstrate that one of the primary drivers of forced human migration today is climate change-induced displacement, which disproportionately impacts vulnerable people in areas like Bangladesh, India, Sri Lanka and other South Asian regions. As environmental consequences are not included in the classic legal concept of refuge, cases like *Teitiota v. New Zealand* demonstrate that displacement brought on by climate change can directly violate the right to life. The legislative gap not only prevents these communities from having institutional visibility, but it also puts their access to basic rights like life, decent housing, dignity, and international protection at risk. Since forced relocations brought on by environmental factors are not covered by the 1951 Refugee Convention and its 1967 Protocol, one of the primary legal gaps for climate refugees is the absence of legal recourse (Dalla Costa & Copi, 2023). As a result, it is unclear how international law will treat, protect, and treat those who have been displaced due to climate change. Therefore, in order to ascertain which provisions may be relied upon to support an upright protection approach toward climate refugees, it is essential to recognize and evaluate the responsibilities that states have under international and regional refugee law, human rights law, cultural protection laws, and environmental law (McAdam, 2008). International treaties must be seen as interconnected instruments that together constitute the duties that governments have agreed to, rather than as distinct, unrelated agreements, in order to offer the highest level of protection. Millions of individuals have already relocated as a result of the effects of climate change (Devictor & Rigaud, 2023). Climate action must be taken immediately and extensively if we are to stop erratic movements that would result in immense human misery. The link between these strategies emphasizes the necessity of reinterpreting current international laws to increase the reach of humanitarian protection and guarantee the safety of individuals impacted by climate change. The development of tangible solutions to address the difficulties presented by the new environmental reality becomes imperative. Finally, finding long-term and drastic remedies that address the causes of climate change is crucial, even while laws and rules are an excellent approach to protect people from harm that is near or looming.

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SCIENTIFIC REVIEW

Climate Refugees in a Legal Vacuum: Bridging the Protection Gap in the International Refugee Convention¹

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Abstract

This systematic literature review examined academic literature addressing the legal protection gap for migrants displaced across borders due to climate change. The literature review through PRISMA guidelines explored three research questions by analyzing 120 sources (2005-2024): the arguments for and against the extension of the 1951 Refugee Convention, proposed alternative frameworks, and the main barriers to the implementation. The analysis corroborated the main inadequacy of the Convention as its principal definition – requiring persecution connected to a specific civil or political status – was incompatible with the impersonal, multi-causal nature of climate displacement. The literature produced a variety of proposals, with the guidance of a multi-layered governance approach as the preferred way to go over a single instrument. Among these were the evolutionary interpretation of human rights law for complementary protection, the strategic use of soft-law tools like the Global Compacts, and the prioritization of regional and bilateral pathways. Moreover, the review pointed out that the main barriers to the needed political and normative changes are the attribution of responsibility, the securitization of migrants, and state sovereignty. It argued that overcoming the protection gap demands a realistic, polycentric approach that not only works within the law but also engages regional innovation and progressively builds the political will necessary for a future framework that is more just and comprehensive than the present one.

Key Words:

Climate refugees, protection gap, 1951 Refugee Convention, non-refoulement, complementary protection

1 Introduction

1.1 Background

The rapid change in our climate has become the main reason for people moving from one place to another, making the situation hard and complicated, as well as taking up a large section of the Earth's population needing help. The scientific community agrees, as represented by the Intergovernmental Panel on Climate Change (IPCC), that through climate change, the number and strength of disasters caused by the sudden onset like

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floods, cyclones, and wildfires, are increasing while slow deaths caused by climate change are progressing rapidly (IPCC, 2022). The situation is forcing the communities to leave and move, especially in the vulnerable areas to climate change. Although internal displacements are more common, migration across borders is being seen as a measure to adapt by some populations. The estimates fluctuate considerably, but they all point towards a staggering number; the World Bank's Groundswell reports predict that by 2050, in the absence of strong and immediate action, 216 million people might be forced to internal migration due to climate change, with quite a large but difficult to measure part probably walking across borders (Clement et al., 2021). The International Organization for Migration (IOM) argues that nature is one of the main reasons for human migration, presenting the intricate relationship of climate and social, economic, and political factors as drivers (IOM, 2023). The empirical evidence from recent field studies adds more strength to this concern: According to UNHCR (2024),

"climate-affected persons are now located at the crossroads of environmental risks, conflicts, and displacement, thereby suffering from multiple forms of protection vulnerabilities which existing legal frameworks lack the capacity to redress." (UNHCR, 2024)

The unique nature of environmental-induced displacements poses a problem for the current protection systems. The ability of such occurrences to be addressed under the current humanitarian systems does not exist. Contrary to displacements as a result of conflicts and persecutions, the environmentally-induced displacements tend to have a non-linear and lengthy nature. Displacements resulting from sudden natural calamities occur and are easily noticeable, but once the affected lands become unusable due to their submergence and degradation, there is no hope of recovering from the situation. However, displacements caused by slow onset processes are marked by a secretive crisis where livelihoods slowly diminish year after year, hence pushing the people to migrate or even plan their migration (Mayer, 2022). Populations that are most impacted tend to originate from those regions that have contributed the least to greenhouse gas emissions, illustrating clearly the need for climate justice and the sharing of burdens equally. This scenario has been described by the Platform on Disaster Displacement (PDD) as an area requiring more than just humanitarian assistance. It involves planning of relocation, mobility arrangements, and rights of integrity and cultural preservation even after loss of their homeland (PDD, 2023).

This projected protection gap would be exacerbated further owing to the differences in vulnerability and adaptability capacities across regions. It will involve the small island states of the Pacific region, the delta states in South Asia, and the arid regions in Sub-Saharan Africa that exist in vulnerable circumstances where they may ultimately lose territory and habitable lands. The issue of rising sea levels, for example, becomes the test case for whether states like Kiribati, Tuvalu, and the Maldives can sustain their existence in terms of the legal implications of becoming 'stateless' due to the physical disappearance of the lands they inhabit (Burkett, 2023). In such a scenario, the need for cross-border migration will become a means not just for seeking economic gain but a survival tactic for the whole community. At the same time, the responses of the international community, as exemplified through analysis of the Global Compact on Refugees and the Global Compact for Migration, have been haphazard and piecemeal attempts relying on a soft law approach with little legal predictability or guarantees of human rights provisions (McAdam & Burson, 2023).

1.2 The Legal Problem

The unfolding situation has the possibility of creating a very serious and threatening protection gap, due to its clash with the international law that is considered static and outdated. The 1951 Refugee Convention and its 1967 Protocol, which lay the foundation of refugee law, narrowly describe a refugee as someone who is forced to leave his/her home country due to persecution based on race, religion, nationality, political opinion, or membership in a certain social group. The climate displacement, driven mainly through a natural disaster that is indiscriminate in nature, conflicts greatly with this definition; the affected persons can hardly claim to be persecuted for one of the reasons recognized by the Convention (Foster & McAdam, 2022). Hence, even if they are in life-threatening conditions or their homes are lost forever, the people displaced by climate impacts, who cross borders by doing so, have a very slim chance of being recognized globally as refugees and being granted rights of non-return (non-refoulement), asylum, and durable solutions (UNHCR, 2023). The advocates are divided over the issue; some of them have suggested extending the “particular social group” category or the application of the non-refoulement principle through the avenue of human rights law, as tentatively hinted at in the UN Human Rights Committee's 2020 *Ioane Teitiota v. New Zealand* ruling – these options, however, are still rare, legally fragile, and insufficient for tackling the problem of large-scale displacement (Pires, 2024). Such a legal gap means that millions lack proper protection since no country guarantees the right of entry, residence or asylum, leading to a higher probability of creating a legally invisible underclass of “climate refugees.”.

1.3 Research Aim and Questions

This review methodically charts the academic reaction to this gap, investigating:

- What are the main legal and normative reasons for and against the expansion of the Refugee Convention?
- What other protection frameworks and instruments are identified in literature?
- What are the main political and practical obstacles to enforcement?

2 Methodology

The methodology employed for the systematic literature review adhered to the PRISMA guidelines, which provided both rigorous standards and clarity throughout the process. First, the process of conducting the literature review included the identification of articles through a wide search on four academic databases: Scopus, HeinOnline, JSTOR, and Google Scholar, as well as searching through the bibliographies of some of the most relevant articles manually. The search process included a set of keywords and Boolean expressions, which included: “climate refugee”, “environmental migrant”, “climate-induced displacement”, “protection gap”, “1951 Refugee Convention”, “non-refoulement”, “complementary protection”, and “loss and damage”. The period of publication had a restriction imposed on it to be only until 2005-2024, being selected so as to reflect the rapid discourse on climate change in the wake of the adoption of the Kyoto Protocol, as well as to cover increasing interest in climate displacement. First of all, over 800 records were identified during the initial literature search; the sources were then screened based on titles and abstracts in accordance with inclusion criteria defined prior to conducting this systematic review, namely that the record addresses primarily the legal regimes of international protection for cross-border movements primarily due to climate

change and environmental degradation. As a result, the screening helped to select 175 sources for full-text analysis, which were then assessed based on their relevance to and analytical depth in relation to the issue at hand. After such an assessment was made, 120 sources have been identified for inclusion in this corpus and further analysis, consisting of academic papers from peer-reviewed journals, landmark monographs, and policy outputs from key international organizations like the UNHCR and IOM, as well as from state-led efforts including the Platform on Disaster Displacement. The data from these sources were taken out and combined through thematic analysis, which was employed to identify, analyze, and report the central patterns (themes) that are the basis of the scholarly debate, thus directly addressing the research questions about legal critiques, proposed solutions, and barriers to implementation.

3 The Inadequacy of the 1951 Convention: A Synthesis of Critiques

The 1951 Refugee Convention, a significant event in the field of post-war human rights protection, was mainly meant to tackle the state-sponsored murder and oppression of people. Its basic structure is completely unfit for the challenge posed by global warming, which is a human-created disaster. A thorough survey of present-day legal academia has shown that all scholars agree that the Convention is inadequate in terms of establishing a protection mechanism for the victims of environmental changes who migrate to other countries. The main argument is based on the Convention's basic qualification of a refugee, which demands that the claimants have a specific connection to their persecution, be part of a particular social group, and have been compelled to flee across the border, for which the Convention grounds constitute the main reason for their displacement (Foster & McAdam, 2022), which are all legal requirements that almost no one who is affected by climate change can fulfill. This part combines the critiques and shows how the Convention, with its inflexible terms, has become outdated, as it is no longer applicable to a catastrophe that is characterized by having a widespread impact, complicated causation, and the possibility of complete loss of land.

Before proceeding, a brief terminological clarification is necessary, as the debate is complicated by inconsistent use of key terms. The term "climate refugee" is normatively and politically charged and lacks any legal status in the realm of international refugee law. The use of such language in scholarly discourse might undermine efforts to address the legal lacuna that will be discussed in this paper. The International Organization for Migration uses the term "environmental migrant" to describe voluntary and forced migration caused by environmental changes. At the same time, UNHCR does not refer to such people as "refugees" because it tries to avoid doctrine confusion and thus chooses a more neutral term, which implies "persons displaced in the context of disasters and climate change" (UNHCR, 2023). The phrase "climate-displaced person" has become quite popular in legal literature due to its neutrality regarding Convention status and implication of forced displacement. The use of the term "climate refugee" is convenient from the point of view of brevity.

3.1 Lack of Nexus to Protection

The first characteristic of refugees is a well-founded fear of persecution, and this term by itself implies the will and intentionality of persecutors. Persecution involves deliberate and unjust behavior committed by a government or a non-state actor who needs to protect itself from. Conversely, climate change is an impersonal effect at a global scale, resulting

from emissions anywhere around the globe, and it lacks the specific intention to harm any specific individual or group of people. According to the latest research results, damage caused by environmental changes cannot be considered as persecution because it does not fulfill the requirements set by the Convention. Nevertheless, some theories suggest that a government's discriminatory intention not to undertake action aimed at preventing or adapting to the effects of climate change might be regarded as persecution of the country's most vulnerable population; still, this interpretation looks like a weak and impractical solution. The court and tribunals are unwilling to interpret persecution in such a broad way, being aware of numerous difficulties involved in this interpretation (Foster & McAdam, 2022). The current review offers an interesting development in the argument based on a theory of persecution by omission. If a State, as a result of an intentional act of discriminatory commission, omits to provide a disadvantaged ethnic, religious, or political group with climate change adaptation funding, disaster mitigation funding, and/or an early warning system, while extending these benefits to another group, environmental destruction may well be a form of discrimination. For example, where a State provides flood protection and evacuation funding to one ethnic group residing in a coastal area, while failing to do so for another oppressed ethnic community in a similarly situated location, the link to a Convention ground may be restored via omission. However, in this case, the displacements caused by the flood cannot be seen merely as a natural calamity, but as the inevitable and discriminatory result of the omission of the State. The connection between the displacement and Convention grounds - in this case, race or ethnicity - can be achieved by the deliberate failure to protect. Though evidentiary problems for the claimant in this situation will be quite severe, and given that courts have not so far followed this path (Foster & McAdam, 2022), it represents a valuable solution from both legal and practical perspectives.

Determining the identity of the persecutor is much more challenging in the case of climate change. In conventional refugee law, the persecutor is the party from whom the refugee claimant is fleeing. In the case of climate change, the main culprits are overall and historical emissions, making it both problematic and unjust for many vulnerable states to single out and accuse one state actor, particularly the country of origin. Moreover, claimants are not able to effectively assert that they are fleeing persecution by their own government on the grounds of climate impacts when that government may itself be a victim of global inaction, is very often in the process of seeking international support for adaptation, and sometimes even actively so. This discontinuity cuts off the vital legal connection between the claimant's fear and the liability of their country of origin, which is the link that McAdam (2022) calls essential to the logic of the Convention.

Furthermore, the fact that the impacts of climate change are indiscriminate makes it impossible to have the discriminatory intent that is necessary for persecution. Even though climate changes are not the same in all locations, their physical impacts are not determined by race, religion, or politics at any given place. One place may be ravaged by a cyclone, while others may be suffering from desertification. The population displacement that ensues will, no doubt, expose the aforementioned social weaknesses, but in the legal sense of causation, the weaknesses will not be the cause of the displacement. The harm done is at the core an issue of distribution and socio-economics, according to one's location and dependence on a particular livelihood, not one's identity or convictions. Such a scenario is accounted for in the Convention's protective purpose, which is to protect against the harm that is not only targeted at the specific group but also based on one's

identity and not from the misfortunes that are generalized, whether environmental or economic (Pires, 2024).

Thus, the fitting of climate displacement into the “persecution” framework has been mostly viewed as a doctrinal dead-end (Scott, 2023). In the 2020 UN Human Rights Committee decision in *Ioane Teitiota v. New Zealand* (Human Rights Committee, Communication No. 2728/2016, CCPR/C/127/D/2728/2016), though innovative for accepting that in very exceptional cases the climate impacts would lead to non-refoulement obligations under human rights law, it positively stated not to deal with the definition of refugee. This silence reaffirms the prevailing view within the legal community that the road to protection of climate-displaced persons has to go through the route of complementary protection, new agreements, or the expansion of human rights law - rather than through a forced and unsustainable reinterpretation of “persecution” (Scott, 2023).

3.2 The “Particular Social Group” (PSG) Dilemma

Substantial work has gone into the “particular social group” (PSG) ground (Singh, S. K., 2023; Wewerinke-Singh & Loper, 2021), which is the most flexible of the five Convention grounds, faced with the “persecution” impasse. The argument presents that individuals displaced by climate change could be a PSG based on an immutable or fundamental characteristic of their shared identity, like their geographical origin in a climate-vulnerable region. However, judicial pronouncements on the PSG requirement from the most important asylum-granting states, such as Canada (*Attorney General v. Ward* [1993] 2 S.C.R. 689; *Applicant A v. Minister for Immigration and Ethnic Affairs* (1997) 190 CLR 225 (Australia); and *Islam and R v. Immigration Appeal Tribunal, ex parte Shah* [1999] UKHL 20 (UK)), have set a very high threshold for satisfying the PSG, requiring both that the group has an immutable characteristic or a fundamental belief that defines its identity and that it is perceived as a distinct group by the surrounding society (social distinction). This test applied to climate-affected populations presents formidable, and likely insurmountable, challenges (S. K. Singh, 2023).

The first major hurdle is defining the group with sufficient “particularity.” Is the group “all persons living in low-lying coastal zones,” “subsistence farmers in the Sahel,” or “citizens of small island developing states”? For each definition, the issue arises that they can either be too broad and vague in nature to qualify as a “particular” social group, or they are just too narrow in scope. Courts have time and again rejected PSG claims involving common hardship or residence in disaster-prone areas as circumstances and not traits of social identity. The commonality of being vulnerable to geophysical processes cannot easily qualify for the social identity that the framers of the Convention had in mind (Wewerinke-Singh & Loper, 2021).

The second one, perhaps even the more crucial, is the creation of the required “nexus,” namely, that the person is persecuted because he or she belongs to the group. Again, it all comes down to the issue of agency and intent. Although purely hypothetically, if the court were to accept that the inhabitants of a sinking Pacific atoll belong to a PSG, the applicant must be able to demonstrate that he or she is being persecuted on account of such affiliation. The causative agent is rising sea levels, which are not an entity endowed with intent and targeting the applicants as members of the group; rather, they persecute because the applicants happen to be at a certain geographical point in space. This is a

basic flaw in the reasoning regarding PSGs based on Convention standards (Foster, 2020).

In the end, the PSG category has come to overlap with the likes of women victims of gender-based violence and families being targeted by gangs, and has evolved like that, but its extension to include the victims of environmental developments, is still perceived by many local and international courts as too much of a leap (McAdam & Burson, 2023; Wewerinke-Singh & Loper, 2021). That has been the prevailing perspective: allowing for such expansion would substantially change the Convention's aim, shifting it from an instrument for the protection of political and social rights to one combatting humanitarian and environmental crises. To be clear, this should not be interpreted as implying that the claims of climate-displaced persons to international protection are not strong enough, but rather, that adapting this claim to the PSG format is a legally invalid strategy that risks misapplying the Convention and producing inconsistent, unpredictable outcomes (McAdam & Burson, 2023).

3.3 Cross Border Imperative and Internal Displacement

This individual's crossing the border requirement is actually a core of the 1951 Convention's jurisdiction. This situation allows a protection gap for climate-displaced persons, as it is generally acknowledged by data that most of the climate-related movements are, and will be, internal. People are moving from areas affected by drought in the countryside to cities, from villages on the coast to higher grounds within the same country. The Convention does not recognize a legal framework for these internally displaced persons (IDPs), and as a result, it is the soft or sometimes stressed capacity of the national government that provides the IDPs with protection, which may be very weak or even paralyzed due to being the same disaster that is affecting the government (Zetter & Ruadel, 2023).

Cost, proximity, cultural bonds, and the wish to stay close to community and land are some of the reasons why the majority of climate displacement is internal. Besides, the Convention's logic – protection only exists if there's an international border crossing – has a negative impact and an ethical dilemma of sorts arising from its very nature. The Convention is unhelpful in terms of the solutions that seek to manage displacement in a proactive and dignified manner, either in situ or within national regions. The primary normative framework for IDPs, the 1998 Guiding Principles on Internal Displacement, while influential and comprehensive, remains non-binding soft law. Its implementation is uneven, and it is not monitored internationally or through complaints by individuals (Kälin & Entwisle Chapuisat, 2023). The devastating nature of this gap, where the whole land of a state becomes haunted by its people, is seen quite clearly during such parts of the scenario where no solution to the problem of internal displacement exists at all. In the case of the low-lying island states of Kiribati, Tuvalu, and the Maldives, if the rate at which the ice melts increases, it will make the entire exercise of relocation within the region totally unfeasible (Burkett, 2023). Thus, the planned and permanent movement of populations across international waters would be the only option. What the scenario signifies, albeit extreme and quite likely, is the Convention's failure being twofold: it fails to cover the ones displaced internally as the land disappears, and it does not provide any clear path to protection for those who will eventually be forced to become cross-border displaced. These people would be considered refugees only when all other options have

been exhausted, with no legal set-up to support orderly, human migration before (Burkett, 2023).

Hence, the cross-border stipulation of the Convention is both a substantive and a temporal mismatch. It not only disregards the primary area of concern of the climate displacement crisis, which is to say it does not only disregard the plight of the displaced who are still in their own countries, but also it does not foresee the extraordinary, existential situation where occupation within the nation is not possible anymore. It is a reactive tool for those who have already moved away, providing nothing for the critical steps of pre-emptive planning, managed retreat, and planned relocation, which are very important for adaptation to the climate. All these points to the fact that there is a need for supplementary frameworks that take care of all phases of displacement, especially its internal part, rather than depending on a treaty that only becomes active at the point of international crisis (Mayer, 2022).

3.4 Causality and Multiplicity of Drivers

Displacement caused by climate change is a rare case. It acts as a “threat multiplier,” making the compromised situations worse, mixing with complicated social, economic, and political factors. Environmental stress (e.g., prolonged drought) plus economic factors, like poverty, lack of land tenure, weak governance, political instability, or existing conflict, often lead to displacement in this form. The very existence of this “multi-causality” makes the refugee determination process legally and administratively based on the identification of a single dominant cause of fleeing – persecution for a Convention reason – a very serious challenge (Boas et al., 2021).

During a refugee status determination hearing, adjudicators must determine the persecutor’s motive. In a climate-related claim, they would rather have the nearly impossible task of disentangling the causal strands that are so closely intermingled. Was the farmer taken to migrate because the crop yield failed due to changing rainfall patterns (climate), because he had no access to irrigation or drought-resistant seeds (poverty/development), because the elites’ land grabbing left him without fallback options (governance/conflict), or was it all of these reasons and none of them? The legal framework of the Convention requires a clear, direct link between the claimant’s fear and the persecutory act, a link that gets totally obscured by the diffuse, synergistic causality of climate impacts (McAdam, 2022).

The complexity of causation here imposes a heavy burden of proof and procedures, which are quite hard to overcome. It demands of the sayers, challenges of evidence, and such that one would need very sophisticated, sometimes even beyond their financial means, scientific and socio-economic evidence to support the claim that the environment was the main reason for the person’s flight. It also makes it difficult to determine the states’ liability and to assess whether the internal protection alternatives are available. In case a displaced person has undergone or is going to undergo environmental changes that affect the entire country and not just his/her home region, decision-makers might wrongly assume that he/she can be resettled in the country of origin, merely considering the latter’s region-specific hardships (Foster & McAdam, 2022).

In the end, the multi-causal aspect of climate displacement confirms the Convention as being an instrument designed for a less complex, more binary world of political conflict. Its legal framework struggles to contain the messy, compounded emergencies that come

along with the collapse of the environment. If the same level of causality as that of climate displacement is attempted to be imposed on the decision-making process, it will lead to arbitrary decisions that will be biased in favor of one causal strand while neglecting the others, thus not doing justice to the people whose movement is due to intertwined and systemic failures. This leads to the need for a new framework, which would not only be tailored but also one that would accept multi-causality as an embodiment of the crisis the framework has to deal with and not as an obstacle to protection (Nash, 2023).

4 Bridging the Gap: A Taxonomy of Proposed Solutions

The 1951 Convention confronted its own systemic inadequacies, and legal scholars, policymakers, and advocates came up with a wide variety of solutions that were very different from each other to try to cover up the protection gap for the people displaced because of climate change. These solutions are not only of different types; they also differ widely in terms of their extent, going from such small and practical changes as mere adaptations of the existing legal frameworks to such bold and rich ideas as altogether new international instruments being born. There seems to be a clear tension between the desire to do things instantly, to walk on the ground, to rely on the existing instruments, and the realization that the magnitude and the uniqueness of the problem may finally justify a specially designed binding regime. This section of the paper examines the different suggestions put forward by experts, analyzing the legality of the proposed solution, its political appeal, and its feasibility in terms of providing the required protection. The debate has moved from the existence or non-existence of the gap to an analysis of how best to close it.

4.1 Evolutionary Interpretation of Existing Law

The most immediate proposals are geared towards changing the interpretation of the current international law, thus avoiding the long and uncertain process of creating treaties. The whole thing revolves around two main ideas: one of them is the stretching of the Refugee Convention itself, while the other is the application of human rights law through the principle of complementary protection. Redefining the criteria for refugees – like changing the meaning of “persecution” or “particular social group” to include environmental deprivation – has been more or less given up in the main legal discussions as not being legally valid. As Foster (2022) argues, such a change in interpretation would stretch the text and the original purpose of the Convention well beyond its limits, thus creating legal uncertainty, and at the same time, weakening its function for the traditional refugee populations. The courts have always been against this ruling, supporting the idea that the Convention is not a proper framework for dealing with harms brought about by non-discriminatory, impersonal environmental processes rather than human actions (McAdam & Burson, 2023).

The development of complementary protection under international and regional human rights law is an international and regional human rights law. The approach separates protection from the refugee definition, and instead, it is based on the absolute prohibition of refoulement to a real risk of torture or cruel, inhuman, or degrading treatment or punishment, or to arbitrary deprivation of life. The landmark 2020 UN Human Rights Committee (HRC) decision in *Ioane Teitiota v. New Zealand* gave critical momentum to the issue. Although the specific claim was rejected, the HRC asserted that

“without robust national and international efforts, the impact of climate change [...] might expose individuals to a violation of their rights under articles 6 or 7 of the Covenant, thus triggering the non-refoulement obligations of sending states” (UN HRC, 2020).

This sets up an important precedent that environmental destruction, if bad enough, can trigger non-derogable human rights and the consequent prohibition of return.

The involvement of regional human rights courts in the Teitiota reasoning process has commenced. In April 2024, the European Court of Human Rights delivered groundbreaking Grand Chamber decisions in two climate cases. First, in *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* (App. No. 53600/20), the Court found a violation of Article 8 of the European Convention on Human Rights (ECHR) by deciding that Switzerland had not done enough to take action against climate change and thus ensure protection of the right to private and family life for applicants – this being the first decision by the ECtHR finding violation of the Convention for failure to act in relation to climate. Second, in *Duarte Agostinho and Others v. Portugal and 32 Other States* (App. No. 39371/20), the Grand Chamber found the case inadmissible due to failure to exhaust domestic remedies. These rulings together establish that states bear positive obligations under the ECHR to adopt adequate frameworks for climate mitigation, while also illustrating the procedural obstacles that climate claimants continue to face. This law development is one of the reasons that the argument that returning to a spot made unfit for human life because of climate change could amount to a breach of the right to life or the prohibition of inhuman treatment under the ECHR and the International Covenant on Civil and Political Rights (ICCPR) is getting stronger (Mayer, 2022). Henceforth, complementary protection provides a rights-based, individualized safety net for the most extreme cases, which is a foundation of human rights.

Nonetheless, this method has very severe drawbacks. It still is a reactive and trial-like process which implicates individuals to go through complicated legal procedures very often from the most vulnerable position. It has been set up in such a way that only a very small number of cases expressing the “severity” will get a response, so this will likely include only the most immediate life-threatening situations due to acute disaster or extremely advanced habitat destruction that cannot be reversed. On the contrary, individuals who move due to degradation gradually or in anticipation of mobility will not have such a claim. Moreover, such a law guarantees only a negative right, that is, a right not to be returned and not a right to entry or stay within the territory, or access to permanent residence. According to Scott (2023), even though complementary protection has become a significant and evolving means for states, it remains a restrictive instrument and cannot be exclusively used to ensure systematic prevention of mobility governance from climate change. The most important but unexplored feature of the ruling is the “imminence requirement”: The Human Rights Committee made the application of the principle of non-refoulement dependent on the existence of an immediate threat to life. There lies a fundamental contradiction between this decision and climate displacement. It can be argued that protection comes into play only when environmental degradation takes a destructive character that becomes irreversible. In other words, when there is no way to help people who anticipate migration to avoid danger.

This creates a perverse incentive system where the law favors procrastination over preparation, since only individuals whose property has already been engulfed by rising sea levels will likely benefit from the non-refoulement provision, whereas individuals who opt

to plan their exit while there is still some capacity to adapt would not. The need to confront the inconsistency between the nature of climate change as a slow process and the immediacy of the threat standard borrowed from civil and political rights should inform future approaches to litigation and treaty design. Additionally, besides the landmark decision in Teitiota's case, there is also another emerging trend of case law from domestic tribunals that is more favorable to claimants seeking asylum on climate grounds. In New Zealand, Italy, and France, similar decisions have been made by the courts: in AD (Tuvalu) [2014] NZIPT 501370-371, the Immigration and Protection Tribunal of New Zealand allowed humanitarian leave to remain for a Tuvaluan family due to the climate challenges in Tuvalu; in *I.L. v. Italian Ministry of the Interior* (Ordinance No. 5022/2021), the Italian Court of Cassation instructed the trial court judges to take into account the impact of environmental and climate change while considering humanitarian protection; and the CAA de Bordeaux, No. 20BX02193, 18 December 2020 decided to prevent the deportation of an asylum-seeker from Bangladesh due to air pollution. This bottom-up legal evolution may exert more immediate influence on state practice than any treaty-level reform in the near term and offers a complementary avenue for the creation of climate protection norms which, judging by the results of this analysis, have yet to be systematically analyzed in the literature.

4.2 New International Legal Instruments

The limitations of interpreting existing law have been a good reason to put forward the creation of new, dedicated international legal instruments by many scholars and advocates over a long period. These proposals are aimed at the establishment of a framework for climate displacement that is comprehensive, predictable, and one that is based on rights. The most talked-about models are either a new protocol to the 1951 Refugee Convention or a stand-alone convention. The protocol, as some claim, could be an advantage in that it would be linked to an existing, widely ratified regime, thus being able to borrow its institutional support and normative authority. It could state the term "climate refugees," and specify rights and obligations of the states, including those concerning planned relocation, funding, and sharing of responsibilities. Nevertheless, recent literature is highly doubtful about this approach, warning that if the Convention is opened to amendments, it will provoke a reaction with certain states trying to limit rather than broaden the scope of protections in a tense geopolitical climate (McAdam, 2022).

The choice of establishing an entirely new and independent international convention will not be free of serious complications either. Model conventions, such as the proposal by the NGO "Displacement Solutions," provide an insight into the range of items included in a comprehensive regime: definitions of climate-displaced persons, non-refoulement principles, and relocation measures, alongside robust cooperation and financing regimes (Biermann & Boas, 2023). Yet, the political hurdles are too high. As the contemporary global political environment shows, there is a trend of isolationism alongside increased preoccupation with border control. Establishing a binding instrument that involves serious obligations of admission and resettlement, which have to be ratified on a large scale, is highly unlikely in the near future. According to Zetter and Ruadel (2023), the reluctance to commit to binding agreements regarding resettlement of traditional refugees proves how implausible the idea of acceptance of broader and more exotic obligations in the context of climate-induced displacement is.

However, using the regional and bilateral level systematically as a way to solve the issue in the short run is the most promising approach. Specifically, regional organizations can create local frameworks that take into consideration the shared environment, mobility, and cultural ties. The African Union's free movement protocols, together with the Kampala Convention for the Protection of IDPs in Africa, provide a blueprint for the incorporation of environmental migration into regional law. The Pacific Islands Forum (2018) states that in the Pacific, the 2018 Boe Declaration on Regional Security recognizes climate change as "the single greatest threat to the livelihoods, security, and wellbeing of the peoples of the Pacific," thus clearing the ground for regional policy development. Bilateral visa and labor mobility schemes, such as Australia's Pacific Australia Labor Mobility scheme or New Zealand's Pacific Access Category Resident Visa, although limited and not framed as protection instruments, are being viewed more and more as practical adaptive mechanisms that could be scaled and adjusted to provide legal ways for people living in climate-vulnerable nations to move (Bedford & Bedford, 2020). The synthesis from the above review shows that these layered and multi-centered approaches – namely soft laws, regional cooperation, and practical bilateral cooperation – have the most potential of being the basis for a global approach in the future (World Bank, 2023).

5 Soft Law and Governance Approaches

The international response has increasingly been carried out through soft-law instruments and state-led governance platforms as there is no political will for new binding treaties. These methods put consensus-building, normative development, and practical cooperation among the legally enforceable obligations. The Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly and Regular Migration (GCM) of 2018 are the leading examples of this paradigm. They do not create new legal obligations; however, they still play a significant role because they bring climate and disaster displacement in the context of the global governance agenda, and it becomes more formalized. The GCR literally says that it plans to help the countries where refugees are "in large refugee situations... because of... natural calamities," and the GCM binds the countries that signed it to create "adaptation and resilience strategies" for people who have moved because of environmental changes (UN, 2018).

Their advantage is that they offer a detailed plan for sharing the burden, building up the skill and mobilization of financial and technical assistance, thus creating a feeling of shared responsibility without requiring certain protection outcomes. According to McAdam and Burson (2023), the importance of the Compacts lies in their ability to act as normative evolution catalysts, stimulating states to align national laws and policies with principles gradually shaping state practice from the bottom up. What distinguishes the Global Compacts from the regional and bilateral mechanisms analyzed in the preceding section is their universalist architecture: unlike the OAU Convention or the Cartagena Declaration, which operate within regional legal communities of shared circumstance, or bilateral labor schemes, which depend on the political will of two states, the Compacts establish a global normative platform on which all UN member states are formally engaged. This universality is simultaneously their greatest strength and their most significant weakness: the breadth of state participation is purchased at the cost of any enforceable obligation, rendering the Compacts aspirational frameworks rather than a protection guarantee. Their distinctive contribution, therefore, lies not in the rights they confer but in the political legitimacy and data-sharing infrastructure they create, which some experts believe can eventually help

develop the practice and opinio juris required for customary international law to develop in this domain, even if such an assumption is debatable and unverified at this stage (McAdam & Burson, 2023).

Notwithstanding, the model of soft law has its inherent limitations, which are very clear. The voluntary character of the Compacts means that implementation is purely a matter of choice, this giving rise to a diverse pattern of reactions that are solely dependent on the existing political atmosphere and domestic priorities. Among the many critiques, the most prominent one is that with no hard obligations, the Compacts risk becoming a means to justify non-action, such that states might verbally commit to protection yet in practice, keep the border policies restrictive (Scott, 2023). The GCR's "CRRF" (Comprehensive Refugee Response Framework) has its funding and support mechanisms that remain chronically under-resourced and ad-hoc when the climate contexts are considered. Therefore, the Global Compacts, although a shift in discourse recognizing climate mobility as an issue for international cooperation, are still more of a dialogue and technical exchange platform than direct mechanisms for granting individual rights or providing displaced persons with predictable protection (Mayer, 2022).

Alongside the Global Compacts, various state-led initiatives have come up, which are more specialized and aim to close the specific governance gap caused by cross-border disaster displacements. The Nansen Initiative (2012-2015) and its successor, the Platform on Disaster Displacement (PDD), are the perfect examples of a targeted, bottom-up method. They did not attempt to secure a treaty; instead, they brought together states from the impacted regions to work together on the development of a toolbox of effective practices. The main result produced was the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, which is a set of non-binding principles and policy options that cover the issues of admission, stay, and protection needs (PDD, 2023). The states can adopt and customize these measures to their national contexts voluntarily. Among those are the temporary protection regimes, humanitarian visas, and planned relocation guidelines. The approach has been useful in reducing the fears around the sovereignty issue. It has been successful in gaining the trust of the states and in generating knowledge that can be used effectively.

The PDD continues to play an important part in making soft-law principles operational. It contributes to the setting of regional policies, advocates for the incorporation of displacement factors in national disaster risk reduction plans, and pushes for the recognition of mobility provisions in climate adaptation assistance. Its activities have, for example, been a driving force in the debates on "loss and damage" under the UNFCCC, where it has been advocating for the establishment of funding streams that would include displacement (Zetter & Ruadel, 2023). However, the survival of protection depends on the uninterrupted dedication of the member states. The very criticism of these governance schemes, including the Nansen Initiative and the PDD, is that they arrange for temporary humanitarian gestures without declaring a right to protection. They do improve the management of displacement situations, but they do not effectively challenge the power of states to exclude. According to Biermann and Boas (2023), the soft law is not only a necessary but also an important interim step for the development of political will and the exploration of solutions, yet it must still be considered a transitional phase towards more powerful and rights-based legal frameworks that can provide durable solutions and a

predictable long-term status for those who are permanently displaced by a changing climate.

6 Regional and Bilateral Solutions: The Most Promising Near-Term Path

6.1. The African Prototype: Leveraging Expanded Regional Frameworks

The African regional legal architecture continues to be referred to as a global example of a very advanced and effective method for addressing the issue of displacement, giving binding instruments that are defined so broadly that they might include climate-driven movements. The basic 1969 OAU Refugee Convention is one such example that significantly increases the scope of the refugee definition that the 1951 Convention offered, including “external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality” as possible reasons for flight. The “public order” clause is one of the explicit reasons for the scholars’ argument that environmental disasters of great magnitude, such as those that lead to large areas being uninhabitable, destruction of vital infrastructure, and creating societal instability that spreads, could be such a severe disturbance (Abebe, 2023). This legal interpretation, if accepted by states and regional bodies, could establish a treaty-based protection status for cross-border climate displacees without the need to rewrite international law. Furthermore, the 2009 Kampala Convention (the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa) has very recently consolidated this model by becoming the very first and only binding regional treaty to clearly mention “natural or human made disasters, including climate change” as a reason for internal displacement and consequently obliging governments to prevent such displacements, safeguard and support those affected (Adeola, 2023).

Nonetheless, the practical use of these frameworks is still very inconsistent and not very developed. The legal provisions are there, but their application to climate cases is not a given. National implementation laws are usually slow to come, and the continent’s asylum systems are often burdened, under-funded, and mainly concentrate on conflict migration. There has still not been a chance to see how far the extended definition of the OAU Convention can be taken when it comes to climate-related asylum claims. and it is noted that the African Commission on Human and Peoples’ Rights has not yet issued any case law that would affirm this connection (Abebe, 2023). The Kampala Convention is another instance of the legal tools aimed at protecting people displaced by climate change and other disasters being very much underutilized. By this instrument, already, “ancient” norms and perspectives – that see displacement as an acute problem of transition, to be overcome by going back, rather than a problem that requires a lasting, right-based resettlement solution – are expressed most strongly in Africa. Thus, despite the Convention’s comprehensive and capable rights-based approach to all phases of displacement, it would be effective if there were strong action plans from the national and regional levels, which have not yet been established (Abebe, 2023).

The African model, although facing these difficulties, is still an important and necessary example for other areas and the future of global governance. It proves that a regional law, which is binding, can take a comprehensive and neutral approach to displacement and at the same time be very much in tune with the local situation, including the environmental factors. The existence of both cross-border (OAU) and internal (Kampala) protection frameworks together in one regional system is more integrated than the fragmented global

regime and therefore offers a better response (Adeola, 2023). Going forward, the key problem that the authors identify lies not in the creation of any additional laws, but in tapping into the potential that already exists through focused advocacy, training of skills for asylum officials, and strategic use of litigation resulting in case law (Adeola, 2023). In the African experience, regional approaches, despite certain limitations, offer a more pragmatic way towards protection compared to the promise of an international agreement, which seems distant at best.

6.2. Latin American Innovation: The Cartagena Declaration and “Public Order”

In Latin America, the 1984 Cartagena Declaration on Refugees is a similar influential soft-law instrument with a forward-looking and flexible definition. It has expanded the criteria through national laws of over a dozen states, which include people escaping “generalized violence, foreign aggression, internal conflicts, massive violation of human rights or *other circumstances that have severely disturbed public order*” (emphasis added). This last, open-ended clause is attracting more and more attention from scholars and practitioners as a possible legal basis for the protection of the environmentally displaced. The case being made is that severe and sudden-onset disasters – such as the disastrous Hurricane Mitch in 1998 or the repeated mega-droughts in the Central American Dry Corridor – can bring about exactly the kind of breakdown of society, loss of government’s control, and wars over resources that are recognized as a serious disturbance of public order (Fischel de Andrade, 2023). This opens up the possibility of a protection argument that is disaster-induced rather than a persecution redefinition.

A few states have already started to apply this approach via their national laws, and thereby, a very embryonic but still genuine practice has been born. Following the earthquake that struck Haiti in 2010, Brazil granted humanitarian visas to the Haitians through the use of the Cartagena principles. Argentina has designed an all-encompassing humanitarian visa policy for nationals of countries that suffer “natural or environmental disasters.” The most important development in this regard was made recently when the Mexican refugee law was amended in June 2023 to automatically provide for the admission of those displaced owing to “climate change or natural disaster” according to one of the Cartagena principles, thus creating one of the first-ever explicit national laws that facilitate the filing of climate asylum cases in the world (Bermúdez & Espinosa, 2024). This shows that there is currently a trend towards interpreting “public order” in the 21st-century environmental context with the help of a regionally-owned tool in order to plug the gap left by the 1951 Convention.

At any rate, the Cartagena model faces certain deficiencies typical of other regional protection schemes as well: its application is discretionary and not consistent between individual states, while being regarded as “soft law.” As far as the “public order” provision goes, it is generally applied when referring to those sudden disasters that have severe effects on the community in question. However, concerning the displacement from the land due to increasing levels of the ocean or desertification, one may say that such a criterion cannot be used at all.

Furthermore, the protection granted under this regime is only of a provisional nature and does not include sustainable solutions along with a robust human rights framework characteristic of fully-fledged refugee status. Therefore, while the Cartagena Declaration remains one of the most influential and flexible mechanisms for the protection of

refugees, which is becoming increasingly popular across regions, it serves as part of an array of strategies that includes resettlement schemes, regional mobility initiatives, and complementing human rights protections as well (Fischel de Andrade, 2023).

6.3 Bilateral Labor Mobility: Pragmatic Pathways with Structural Limits

From the level of regional multilateral agreements to the bilateral and national approach, a completely distinct class of pathways will now be considered. In contrast to regional agreements like the OAU Convention and Cartagena Declaration, which have an agreement-based approach, the bilateral labor mobility agreements use a one-on-one state-based approach on an economic and diplomatic basis. This change in scope is not only for analytical purposes but also for practical reasons, since the nonexistence of binding regional or global protection regimes means the individual states need to make up their own way out. The most pressing question in this section, then, becomes whether these bilateral agreements can actually be modified into protection tools or whether these bilateral agreements cannot serve this purpose, no matter what reformulation takes place.

Bilateral labor mobility schemes are under intense scrutiny – not only regionally but also legally – as pragmatic, existing mechanisms which can be adapted to serve as channels for climate-adaptive migration. Australia's Pacific Australia Labour Mobility (PALM) scheme and New Zealand's historical Recognised Seasonal Employer (RSE) scheme, as well as Pacific Access Category (PAC), are analyzed not as refugee protection instruments but as forms of "adaptive migration" that provide lawful, predictable pathways for citizens of climate-vulnerable Pacific Island states. These schemes are regarded as transferring adaptive capacity through remittances, skills development, and the diversification of household income sources, and thus, they are strengthening community resilience in the origin countries (Bedford & Bedford, 2020; World Bank, 2023). Where formal protection channels are blocked, they represent a politically palatable scenario for destination states framed in terms of economic development and regional cooperation rather than humanitarian obligation or legal right.

Nonetheless, recent literature has already voiced a strong criticism that the concept of labor mobility being the main solution to climate displacement is very limited. These schemes are based on market principles and are thus selective: they are meant for the very few skilled, young, and able workers, excluding the elderly, children, caregivers, and disabled persons, who are mostly the disaster victims. Labour movements are temporary, circular ones, and they are employer-specific, thus creating a risk of exploitation and leaving no path to permanent residency or citizenship, even for those whose islands may become uninhabitable (Farbotko & Dun, 2022). Such schemes are negatively described as treating a collective issue as an individual problem, and the economic vulnerability of the affected populace is dealt with in a piecemeal fashion while at the same time failing to give a rights-based, collective response to the potential loss of territorial sovereignty and cultural homeland. Thus, they not only run the risk of legitimizing the practice of extracting labor from climate-affected countries but also of doing so without tackling the underlying displacement crisis, given that labor mobility is one of the narrowest possible responses available (Farbotko & Dun, 2022).

Looking forward, the success of bilateralism will largely hinge on its transformation into rights-based mobility partnerships. connected with climate vulnerability. Experts speak

about those “hybrid” approaches that will include protection mechanisms in labor programs, such as the provision of pathways for reaching permanent residency to those participating in these programs for an extended period, the development of community-based selection, contributing to the creation of more robust communities, and granting the ability to transfer rights between employers (McNamara & Jackson, 2023). Nevertheless, it needs to be mentioned that bilateral labor programs remain a relevant and practical part of an immediate response strategy and should be regarded as a complementary element to developing regional and international protection systems. Their worth lies in the practical experience they create with the managed migration from vulnerable areas, which can further be used to develop more holistic and safeguarding future instruments not only for the protection of rights but also dignity even at workplace (McNamara & Jackson, 2023).

7 Persistent Challenges and Emerging Debates

Taxonomic classification of solutions is an important aspect of the debate about climate-induced migrations and refugee policies, but the difficulties of putting them into practice are rooted in very serious, interconnected difficulties. It is not just the legal technicalities that are in question politically, ethically, and conceptually—the debates are very much in the international state system. The contemporary literature is still wrestling with the very difficult questions of who is responsible for causing displacement, the strategic framing of the affected persons, and the ultimate barrier of state sovereignty. To carry out these debates is necessary for any realistic evaluation of the governance of the climate movement in the future as they decide about the burdens that will be shared, the legitimacy of responses, and the sheer possibility of radical change in the system.

7.1 Attribution and Responsibility: The Quest for Climate Justice

One of the first and hardest to solve issues is to find out who will be held legally responsible for climate change and what obligations the responsible parties will have. According to the literature, displacement is treated as a “loss and damage” situation, which means that there are no longer any adaptation measures left for such cases. It was the industrialized countries’ excessive and historical emissions that led to the crisis in the first place, while the poorest and least contributing countries were the ones to suffer most from it. This unfairness is one of the reasons why climate justice is being demanded, with the view that the countries with high emissions, both morally and perhaps legally, are the ones that have to take care of the displaced people, give them money, and give them maps with routes of how to get to safe places (Sharma, 2017; Rajan, 2021).

Nevertheless, the application of this principle on the ground is still a topic of heated debate. The establishment of the Loss and Damage Fund at COP27 (2022) and its operationalization at COP28 (2023) marks a pivotal political recognition of this obligation. Nonetheless, the main objective of the fund at the start will be to support the economic recovery and reconstruction of areas affected by climate change, rather than providing support for the migration, relocation, or legal protection of displaced people, which is not explicitly stated, thus creating a large gap between the principle of accountability and its application in terms of human mobility (Mayer, 2023). Developments at COP29 (Baku, November 2024) further shaped, but did not resolve, this accountability gap. The conference agreed on a New Collective Quantified Goal (NCQG) on climate finance, setting a floor of USD 300 billion per year for developing countries by 2035, and operationalized

the Santiago Network for technical assistance on loss and damage. Despite this, the issue of human mobility and displacement was still marginal to the central discussion on financing, with no funding window put in place for dealing with costs associated with displacement. As Mayer (2023) notes, this represents the trend that successive COP decisions pay lip service to the framework for loss and damage without putting measures in place that would address the specific challenges of climate-displaced people. COP30 (Belém, Brazil, November 2025) concluded with the “Belém Political Package,” which committed to at least tripling adaptation finance and mobilizing USD 1.3 trillion annually in climate finance by 2035, and which further operationalized the Fund through the Barbados Implementation Modalities, with the Santiago Network mandated to prioritize technical support for displacement issues. However, as at previous COPs, human mobility was folded into this broader adaptation and finance guidance rather than addressed through a dedicated, binding outcome of its own.

The process of making the state responsible for damage incurred across borders has proven to be a rather difficult task. The complexity of climate attribution science and socio-economic analyses makes it virtually impossible to prove causation in relation to the actions of a certain state causing emissions and resulting in the displacement of certain individuals and their communities, which cannot be addressed in individual cases of asylum application. Thus, researchers start looking for ways to build collective or even state-to-state accountability models, instead of trying to sue individuals or companies directly. One of these options includes the introduction of national “climate refugee” visas or quotas by the highest emitting countries at the expense of the Loss and Damage fund or within the framework of bilateral agreements mentioning historical responsibility (McAdam & Burson, 2023). The main discussion is not about the existence of such responsibility, but about ways to turn this into assistance and protection schemes based on rights rather than charity.

7.2 Securitization vs. Human Rights Framing: Competing Narratives

The topic of climate migration has not just become the object of political discussions and media attention but also turned into a battlefield that has major consequences in terms of policymaking. One of the trends that can be found in scholarly literature is the securitization of climate migrants, which implies that they are perceived as potential security risks for the regions that they are trying to reach, since they may pose a threat to the economic or even military stability of those regions. Under this narrative, which is supported by populist rhetoric, migration appears to be a growing threat and therefore legitimates such measures as the strengthening of borders, restrictive asylum policies, and militarized response strategies (Bettini, 2013; Boas & Rothe, 2023). The idea of securitization is quite effective politically, yet, from an ethical and evidentiary perspective, it is an absolutely inappropriate one because it denies the humanity of the displaced persons while forgetting that historically, it has been the destination countries, not the displaced, who have polluted the earth. The approach is destined to cause more of what it means to prevent, which is an escalation of a global crisis.

The opposite point of view is a growing tendency towards human rights discourse, which is being advocated by academics and activists. The discourse emphasizes the humanity, agency, and natural rights of migrants and refugees. Migration is viewed as adaptation, a legit form of exercising the right to life, to health, and to have an adequate standard of living amid the environmentally-induced disruptions. The objective is to hold governments

accountable by establishing legal obligations to respect, protect, and realize the rights, thus ensuring that the policy-making regarding admittance, presence, and integration is based on non-discrimination, participation, and accountability (Scott, 2023). The human rights-based discourse becomes more and more empowered by evolving legal interpretation within the UN Human Rights Committee in such cases as *Teitiota v New Zealand*, where the connection between environmental degradation and violations of the rights to life and freedom from cruel, inhuman, or degrading treatment was established. The very heart of the discussion lies in viewing the climate-displaced population as either a problem to manage or rights-holders who require solutions.

7.3 The “Sovereignty” Barrier: The Architecture of Impediment

Given all these considerations, the hardest barrier identified within the literature is the established idea of state sovereignty, particularly the sovereignty of states to regulate who enters and leaves the state’s territory. Indeed, international refugee law can be defined as an exceptional principle to this notion of state sovereignty. The calls for establishing new instruments or interpreting the notion of protection broadly are a clear manifestation of an attempt at challenging the core of state sovereignty. Sovereignty in relation to migration control remains one of the topmost sovereign rights of states, especially for states in the global North, and they remain extremely reluctant to surrender even the slightest bit of their sovereignty over the regulation of border movement (Gerver, 2018). The question of sovereignty arises from the political objections toward the signing of any convention that would admit the entry of “climate refugees” automatically, since doing so may open Pandora’s Box of unlimited liability.

The literature looks at the possibility of and ways to “sovereignty bargains” being made. This requires the development of protection systems where states are given enough control and predictability to win them over. The proposals make it clear that migration pathways will be planned and managed. For instance, there will be regional free movement agreements, pre-negotiated bilateral quotas, or disaster-related temporary protection regimes, all of which allow states to control the size, timing, and situation of entry (McNamara & Jackson, 2023). These approaches aim to unite the two concepts of sovereignty and solidarity by putting states in the position of active governance rather than in the passive one of waiting for spontaneous arrivals. Besides, supporting the stabilization and resilience of the communities is also turned into a sovereignty-welcoming move as it is aimed at minimizing the need for people to be displaced across borders in the first place, although it is acknowledged that there will be certain circumstances when displacement will become inevitable in the case of existential threats (Milan, 2023; McNamara & Jackson, 2023).

The sovereignty challenge cannot be treated as a fixed situation anymore; rather, it has turned into a negotiation arena. The framing of future climate displacement governance is dependent upon building politically acceptable options that rescale human movement from a sovereignty-daring crisis into one of international climate adaptation and cooperation. Trust must be established, the advantages of regulated pathways for all parties must be shown, and the narrative that links border control and national security must be constantly attacked, together with the use of the securitized discourse around it. The discussion is now proceeding to an almost practical acceptance that, notwithstanding the myth of absolute sovereignty, if the interconnectedness of the world is taken into

consideration, the political realities of state consent must be properly understood in the solutions that are to be designed (Milan, 2023).

The most tangible expression of this negotiation thus far is the 2023 Falepili Union Treaty signed between Australia and Tuvalu, which deserves further consideration as an exemplary case of a newly emerging phenomenon of “contingent sovereignty” in international climate law. According to this agreement, Tuvalu agrees to impose an important restriction on its sovereignty because it gives Australia a right to consultation – essentially a veto – of all foreign agreements that Tuvalu enters into on matters pertaining to its national security. In return, Australia guarantees Tuvaluan nationals access to permanent residency in Australia, along with assistance in adapting to climate change such that Tuvalu can remain a nation-state even after becoming uninhabitable. This is a perfect example of how the “sovereignty bargain” principle described above can be made into practice: Tuvalu negotiates away part of its sovereignty rights owing to the existence of an emergency beyond its capacity to solve it on its own. Such an approach also poses serious legal questions at an international level: Is it possible for a state to sell out its sovereignty in order to save itself from extinction? What would be the status of a government in exile when its homeland becomes non-existent? Is it possible to duplicate the success of the Falepili approach elsewhere? These questions position the Falepili Union not merely as a bilateral curiosity but as one of the most significant developments in climate governance in recent years, and one that any serious analysis of sovereignty and climate displacement must engage directly.

8 Conclusion

The current systematic literature review established the existence of a considerable and generally recognized void of protection in international law, regarded by most scholars as a problem, thus presenting the 1951 Refugee Convention as a totally inadequate instrument for dealing with the climate change-induced displacement. The review argued that the essential features of the Convention, namely the state linkage of a very real fear of persecution and the possession of a determined civil or political status, were in direct contrariness to the indifferent, multiple causes, and, in most cases, gradual impact of climate in the case of displacement. The scholarly and policy debate in response to the issue turned to a governance approach that was multi-layered rather than a single legal solution. In the short run, the most workable pathways included the evolutionary interpretation of human rights law as a source of complementary protection and the expansion of regional frameworks like the OAU Refugee Convention and the Cartagena Declaration. The medium-term consensus recognized the need to strengthen soft-law instruments, particularly the Global Compacts and the Platform on Disaster Displacement, as necessary steps for building normative consensus and practical state experience. The long-term aspiration continued to be the creation of a new binding instrument, although this was acknowledged to be dependent on overcoming the enormous political barriers of state sovereignty and negotiating the difficult debate between securitized and human rights-based narratives. In the end, the literature pointed out that bridging the protection gap would be a matter of a pragmatic, polycentric strategy that utilizes existing law, encourages regional innovation, and gradually builds the political will required for a fair and comprehensive future framework.

9 Future Research Directions

The review pointed out several major shortages in the current literature that need further exploration:

- I. Quantitative Analysis of Displacement Patterns: The standardization of data collection and modeling would be a big help not just for the prediction of cross-border climate displacement in terms of its scale, timing, and routes but also for policy targeting through informed decision-making that is based on accurate projections instead of merely speculative ones.
- II. Domestic Litigation Strategies: It is necessary to conduct empirical research into the use of domestic and regional courts to non-refoulement climate cases and other rights-based arguments through analysis of both successful and failed litigation to come up with new, more effective advocacy models.
- III. The Role of Corporate Responsibility: The topic of corporate responsibility for large emissions in displacing people and their involvement in funding protection, resettlement, or adaptation measures lacks literature that thoroughly discusses legal and ethical implications.
- IV. Effectiveness of Adaptive Migration Schemes: A longitudinal assessment of the social-economic impacts and the protection risks of labor mobility programs and humanitarian visas would help to account for their real effectiveness as adaptive measures and to inform the design of more rights-based mobility partnerships.

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PRACTICE REPORT

The Future of Humanitarian Work and Political Representation in Lebanon: The Role of the Lebanese Red Cross and the Limitations of Humanitarian Actors¹

Lama Azrafil²

Abstract

In a world full of injustice and tragedy, humanity relies on those who insist on offering a glimmer of hope; those who have not lost faith in the supremacy and necessity of International Humanitarian Law, even in the face of repeated failures by the international community to establish peace, preserve human dignity, and uphold the ethics of war. In a country like Lebanon, humanitarian action is not a luxury. It is a daily struggle to uphold human rights where traditional governance and political representation are under severe strain. In this sense, understanding Lebanon's context is crucial to appreciating the importance of humanitarian actors' work there. Lebanon is a multi-crisis state, with crises that are not sequential but overlapping and mutually exacerbating. The most recent protracted economic and financial collapse has broken the already tenuous social contract between the state and its citizens, creating a massive crisis in service delivery and prompting a United Nations reporter to describe Lebanon as a "failing state" (Chahine, 2021). In this political vacuum, where the state fails to protect the most basic rights of its citizens, humanitarian actors, from large international bodies to local non-governmental organizations (NGOs), were left to fill the gap. However, this aid, while essential for survival, cannot solve the fundamental political problems. The challenge is deepened by the "politicization of aid," in which assistance is often tied to geopolitical motives and allocated along sectarian lines, reinforcing domestic divisions and stalling structural reforms. In this context, there is no more catastrophic example than the Beirut Port Blast on August 4, 2020. This explosion was not merely a tragic accident; it was a profound crisis of governance and accountability, as the state failed to fulfil its duty to protect citizens' right to life and safety, leaving humanitarian actors to fill the void (Riebl, 2020). Among all NGOs, the Lebanese Red Cross (LRC) is leading the humanitarian action, playing an essential role in upholding those ideals, not in theory, but on the ground, in the midst of compounding crises. This is why a closer examination of the Lebanese Red

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Cross' challenges will yield a clearer understanding of the future of humanitarian work in Lebanon.

Key Words:

Lebanese Red Cross, auxiliary role, disaster risk reduction, international humanitarian law, protection

1 The Legal and Political Mandate of the Lebanese Red Cross

The Lebanese Red Cross plays a unique and critical role, unlike that of any other NGO in the country. Founded in 1945 and comprised of more than 12,000 volunteers delivering life-saving assistance across Lebanon, the LRC has a unique legal mandate as “auxiliary to the public authorities in the humanitarian field”. This status is rooted in international law, specifically in Article 26 of the First Geneva Convention (1949), and reinforced by the Statutes of the International Red Cross and Red Crescent Movement (IFRC, 2025a). This auxiliary role defines a specific and distinctive partnership with the state, establishing the National Society as both a private institution and an organization mandated to perform public services. This means that while the LRC has a duty to cooperate with the authorities, it must maintain sufficient autonomy to act solely in accordance with the Movement’s Fundamental Principles of Impartiality and Neutrality. This role allows the LRC to support the official state authority and grants it a “seat at the table” to co-design and implement national policies and the national plan of action. This partnership is built on a foundation of large-scale, trusted service delivery: the LRC operates nearly 300 ambulances at zero cost to affected people and provides more than 35% of the national blood needs (LRC, 2025b; Riebl, 2020).

The LRC’s role evolved in response to crises. From merely providing life-saving medical services through Emergency Medical Services (EMS) teams and Blood Transfusion Services to addressing disaster consequences through the Disaster Management (DM) unit, which was created in 2013 to lead preparedness, response, and recovery, and which played a significant role in conducting the massive service needs during the Syrian refugee crisis (LRC, 2025b). As the understanding of the disaster cycle evolved, the specialized Disaster Risk Reduction (DRR) Unit was established to focus on proactive community-level resilience and national-level coordination.

2 The Auxiliary Role Form

This auxiliary role depends entirely on the crisis. In the last few years, three distinct operational models have been witnessed.

2.1 First Model: The Proactive Technical Partner (COVID-19 & Cholera)

In protracted crises, the LRC acts as a proactive technical partner, helping to build the state’s response. During the COVID-19 pandemic, the LRC’s Disaster Risk Reduction (DRR) Unit was formally mandated by the national consortium to lead the Strategic Objective: Risk Communication and Community Engagement (RCCE). It worked directly with the Ministry of Education to develop the “Back-to-School” health guides (DRR, 2021) and with the Ministry of Interior on “Municipal Response and Action Plans”. Similarly, during the 2022-2023 Cholera outbreak, at the Ministry of Public Health’s request, the LRC led the high-priority, high-risk prison vaccination campaign. More importantly, the LRC served as a technical expert, jointly developing the national unified digital reporting

platform with the government's central Disaster Risk Management (DRM) Unit to ensure that all NGOs reported into a single system (DRR, 2023).

This is the best-case scenario: a resilient system that supports and enhances the state's capacity.

2.2 Second Model: The 2024 Armed Conflict and IHL Imperatives

The armed conflict in 2024, particularly the significant escalation in September, has presented the Lebanese Red Cross with its most severe operational test in recent history, as detailed in the LRC's 2024 Annual Report. The DRR Unit deployed technical personnel inside key ministries and 20 Emergency Operations Rooms (EORs) to provide real-time technical support on managing internally displaced person (IDP) movements and coordinating the response. The conflict has resulted in a devastating human toll; Lebanon has suffered more than 17,000 casualties, of which at least 3,300 were killed, as recorded by late October 2024 (LRC, 2025a). Hence, an immediate, massive response was required: 43,000 Urgent & Search & Rescue missions were conducted, and nearly 15,000 blood units were delivered in the initial months (LRC, 2025a). Furthermore, the conflict has forcibly displaced more than 1,000,000 people (LRC, 2025a), overwhelming over 1,000 collective shelters. At the same time, efforts were intensively focused on safeguarding personnel during a brutal conflict marked by grave violations of international humanitarian law, including direct attacks on humanitarian teams, medical facilities, and civilians (LRC, 2025b). Thus, coordination with the United Nations Interim Force in Lebanon (UNIFIL) and other stakeholders remained vital to ensuring the safety of LRC personnel and maintaining effective operations (DRR, 2025). This dire situation prompted the International Red Cross and Red Crescent Movement to issue an urgent statement, reiterating that civilians, the wounded, and healthcare workers and facilities, including ambulances, must be respected and protected under international humanitarian law (IHL) (IFRC, 2024). Moreover, the complexity of operations demands continuous vigilance in applying IHL principles such as distinction and proportionality (ICRC, 2024). This reality underscores that humanitarian action is always taking place at the fragile intersection of law and war.

2.3 Third Model: The Reactive Operational Replacement (The Beirut Blast)

The Beirut Blast was different. This was not a proactive partnership nor a reactive operation governed by the IHL. It was a reactive, emergency substitution that occurred in the absence of any internal or international legal framework. As mentioned, the political vacuum in Lebanon automatically made the Lebanese Red Cross the "prime civilian actor trusted by the local population". Its operational response was, by all accounts, "truly world-class" (Riebl, 2020).

Within the first 48 hours, 75 ambulances were dispatched to the scene, 4,000 patients were treated and/or transported, and more than 1,500 blood units were collected immediately (although the blast destroyed one EMS centre).

In the following months, the EMS conducted over 44,000 missions, and the Blood Transfusion Services collected 11,000 units of blood.

So, what happens when the social contract breaks and formal political representation fails? The answer is that humanitarian actors are forced to fill the gap. Their actions, guided by foundational principles, especially neutrality and impartiality, become a de facto

representation of human dignity. They are upholding the right to life when the formal system has failed. But this is an emergency measure. It is not a sustainable model for protecting human rights. Operational heroism, as witnessed, cannot overcome systemic and legal chaos.

3 The Problem: The Limits of Heroism

The key lesson from the Beirut Blast is that a humanitarian-led response, no matter how heroic, cannot replace a functional, accountable state. While the operational response of the LRC was “world-class”, the subsequent Real-Time Evaluation (RTE) documented the profound strategic failures that arise in a legal vacuum. The RTE found that, in the initial chaos, the LRC refused to share its beneficiary registration list with other major humanitarian actors, including the World Food Program (WFP) and the United Nations International Children’s Emergency Fund (UNICEF), for de-duplication purposes. This refusal, rooted in the absence of pre-established data-sharing protocols, led to a system-wide impediment by the response’s “prime actor” (Riebl, 2020). The consequences were severe: WFP and UNICEF were forced to physically verify the lists themselves, four months after the blast. Furthermore, the international response was hindered by “regulatory barriers,” “delays in the clearance of relief goods,” “parallel coordination mechanisms,” and a “lack of cooperation and coordination between players on the ground” (Riebl, 2020). This proves that data-sharing protocols, coordination mechanisms, and role clarification cannot be improvised within 48 hours of a catastrophe. They must be legally mandated and pre-established.

The Beirut Blast was a stark reminder that Disaster Risk Reduction should not remain “optional”. In fact, Lebanon has national strategies, but their implementation is “hindered” by “resource constraints and competing priorities,” with attention always focused on response rather than prevention. This is why a binding national law is the first step to fixing this (IFRC, 2026).

4 The Future: From Response to Resilience

So, how can we shape a better future? It is the transition from response to resilience. And that future is built with law.

4.1 The National Level

At the national level, the LRC’s Disaster Risk Reduction Unit is currently represented in key ministries at all levels to identify policy gaps, deploy trained volunteers and staff, and use digital tools to share vital data for vulnerable areas, thereby strengthening institutional readiness. Trusted for its national coverage and humanitarian expertise, it actively contributes to the planning and implementation of national strategies, thereby helping the government meet its international commitments by assessing and reducing risks.

Furthermore, the Lebanese Red Cross is a key advocate for a national legal framework for disaster management. In this context, the LRC, with the assistance of its partners, has prepared a draft law on disasters. This action is not a political act; it is a humanitarian imperative since this framework aims to:

- Define clear roles and responsibilities (for the government, the army, the LRC, and civil society).
- Ensure the rapid and fair distribution of aid (a rights-based approach).

- And establish mechanisms for accountability, which is the only way to rebuild trust with the Lebanese political system eventually.

3.2 The International Level

Disasters are not just Lebanon's problem. Both natural and man-made, disasters are increasing globally. This is why the LRC's work, alongside all components of the Red Cross Red Crescent movement, has expanded internationally. Today, we are at a critical inflection point. The United Nations General Assembly, through its adoption of Resolution 79/128 on December 4, 2024, has initiated a formal negotiation process to conclude a legally binding instrument on the Protection of Persons in the Event of Disasters (PPED) (UN, 2024). This proposed treaty is designed to fill the exact gaps experienced in Beirut:

- It would “fill this gap by aligning all relevant frameworks and codifying a universal standard” (Azrafil, 2025), shifting DRR from an “optional” policy to a binding international legal obligation.
- It would “help address regulatory barriers” by “requir[ing] States to establish clear and predictable rules for facilitating international relief” such as fast-tracking customs and visa procedures (IFRC, 2025c).
- It would mandate the very coordination lacking in Beirut, creating an anchor for better coordination between government authorities, the United Nations, and the Red Cross and Red Crescent Movement (draft article 7).

Notably, this treaty respects the legal firewall between disaster and conflict. Draft Article 18 of the proposed convention explicitly states: “The present draft articles do not apply to the extent that the response to a disaster is governed by the rules of international humanitarian law” (UN, 2016). The existence of a robust body of law on war (IHL) only underscores the dangerous absence of a binding framework for disasters.

5 Ambiguous Future, Unwavering Actors

The “Future of Humanitarian Work and Political Representation” in Lebanon is not about humanitarians becoming politicians. It is the opposite. It is an argument for a future where ‘representation’ is embedded not in the failures of day-to-day politics, but in law and resilient systems. This is a neutral, non-partisan, humanitarian imperative. The Beirut Blast showed the tragic limits of humanitarian heroism in a political and legal vacuum. The future of humanitarian work, in Lebanon and globally, is not just about delivering aid. It is about building a resilient legal and political framework that guarantees human rights, ensures accountability, and reduces the necessity of massive, chaotic aid interventions. This brings us to a crucial, often invisible, element of this work: finance (IFRC, 2025b). People see the volunteers in red vests, the food parcels, and the emergency shelters. What they don't see is the invisible engine of humanitarian action. Finance is not a back-office function; it is a core humanitarian action. It is the bridge that enables cash transfers, giving survivors dignity and choice. It is the guardian against waste and the map from a budget line to real-world impact. Most importantly, finance is not just administrative work; it is a contract of trust, trust with donors, partners, and the communities that humanitarians serve. This entire system is built on speed and accountability. Delays in finance are delays in food, water, and medicine. Therefore, building resilient legal frameworks also means building resilient, fast, and trusted financial systems. But this future itself is threatened. We are facing a growing “donor fatigue” and significant funding

cuts. As international funding decreases, local NGOs, which are the first responders and have deep-rooted community trust, face a sustainability crisis, often exacerbated by reliance on short-term, externally driven project funding. A binding legal framework helps create the stability and predictability that local actors need to survive.

To conclude, the UN has set a deadline of 31 December 2025 for governments to submit proposals for amendments to this new disaster treaty. Since then, two working groups were convened: the first from 6 to 10 April 2026, and the second from 31 August to 4 September 2026, to discuss proposals and refine the drafting. A final conference was scheduled to take place between 25 January and 12 February 2027 to finalize the draft convention before its adoption by the General Assembly in August 2027. A small window to use the hard-won, tragic lessons from Lebanon to ensure this new international law is strong, practical, and truly protects human dignity in the face of catastrophe. The future of humanitarian work is indeed threatened by new, compounding challenges, mainly the increase in conflicts and the accelerating effects of climate change (RCRC, 2025). Climate change acts as a risk multiplier, increasing the frequency of disasters, conflict, and instability, particularly in low-income countries. These exacerbating challenges require a fundamental commitment to new global preparedness, focusing on scaled-up financing, universal early warning systems, and the mobilization of greater solidarity (UN, 2026) through reliable funding mechanisms.

The future of humanitarian work may be uncertain, yet the efforts undertaken by humanitarian actors to preserve it are real: The new convention now taking shape stands as a decisive first milestone

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POLICY REPORT

The State of Hungary's Migration Policy during the Development of International Refugee Protection: From Provisional Arrangements and Particularism to Taboo¹

Réka Friedery², Dóra Frey³

Abstract

The modern international refugee regime emerged as a response to the unprecedented humanitarian crises of the twentieth century. The First World War, the Russian Revolution, the collapse of multinational empires, and later the rise of National Socialism turned millions of people into refugees or stateless persons who had lost the protection of their own states. These developments gave rise to a legal problem for which international law at the time had no adequate answer: what legal status should be given to individuals whom their own state was no longer able or willing to protect? Although the 1951 Geneva Convention Relating to the Status of Refugees remains the cornerstone of contemporary international refugee law, many of its fundamental principles had already begun to take shape during the interwar period within the framework of the League of Nations and the international agreements adopted between 1921 and 1938 gradually transformed refugee protection from ad hoc humanitarian assistance into a distinct branch of international law. This year's 80th anniversary of the deportation of the German minority in Hungary provides an opportunity to compare the development of the international approach to refugee protection with the legal framework that applied to refugees in Hungary during that same period. A juxtaposition of the international and Hungarian frameworks highlights the complexities and shortcomings of refugee protection in a period that shaped the development of Hungary's refugee protection framework in the 20th century.

Key Words:

Hungary, migration policy, refugee regime, development, deportation of Germans

1 Refugees in International Context

Before the First World War, international humanitarian law focused primarily on the protection of wounded soldiers and prisoners of war. Civilians forced to flee their homes

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as a result of armed conflict largely remained outside the scope of international legal protection. Although the International Committee of the Red Cross increasingly assisted civilians and families separated by war, no independent body of international law existed to regulate the status of refugees or stateless persons (Mazower, 2004). The First World War fundamentally altered this situation, it proved to be a catalyst for the idea of a post-war order based on the principles of collective security (Löhr, 2015). The collapse of the Russian, Ottoman, Austro-Hungarian, and German Empires left millions of people without valid passports, nationality, or diplomatic protection. Traditional international law regarded nationality as the exclusive legal bond between an individual and a state. Once this bond was severed, the individuals concerned effectively fell outside the protection of international law.

The establishment of the League of Nations⁴ represented the first institutional international response to this problem. Refugee issues were no longer regarded solely as matters of domestic concern but became subjects of international cooperation. This reflected a significant shift in legal thinking: the relationship between the individual and the state was no longer considered merely an internal legal matter but also a responsibility of the international community. One of the League of Nations' most significant measures was the appointment of the Norwegian polar explorer and diplomat Fridtjof Nansen as High Commissioner for Refugees.⁵ His most important innovation was the introduction of the Nansen passport, an internationally recognized travel document issued to stateless refugees. From a legal perspective, the Nansen passport did not confer nationality; rather, it recognized that a person could possess an internationally acknowledged legal identity even in the absence of citizenship. The document enabled its holder to cross borders, obtain visas, work, and settle in another country. This marked one of the first occasions on which the international community assumed functions that had previously been exercised exclusively by sovereign states (Weis, 1954).

The refugee agreements concluded under the auspices of the League of Nations during the 1920s primarily concerned Russian and Armenian refugees.⁶ It is important to emphasize, however, that these instruments did not yet contain a general definition of a refugee. Protection was linked to specific national groups; refugee status was therefore a group-based legal category rather than a universal legal status available to all individuals in need of protection.

These agreements nevertheless introduced a significant legal innovation. They recognized that refugeehood could arise not only from the formal loss of nationality (de jure statelessness), but also from the absence of effective state protection (de facto statelessness). A person might formally remain a citizen of a state while no longer receiving diplomatic or legal protection from that state. This distinction fundamentally

⁴ League of Nations, Covenant of the League of Nations, 28 April 1919.
<https://www.refworld.org/legal/constinstr/lon/1919/17145>

⁵ League of Nations Refugees Mixed Archival Group (Nansen Fonds). United Nations Library & Archives Geneva. <https://archives.ungeneva.org/refugees-mixed-archival-group-nansen-fonds>

⁶ League of Nations, Arrangement Relating to the Legal Status of Russian and Armenian Refugees, League of Nations Treaty Series, Vol. LXXXIX, No. 2005, 30 June 1928.
<https://www.refworld.org/legal/agreements/lon/1928/15611>

changed the conceptual framework of refugee law, as the focus gradually shifted from nationality itself to the existence of effective state protection.

The agreements of 1926⁷ and 1928⁸ further developed this approach. Although they still applied to specific refugee groups, they extended protection to other persons in similar situations. Refugee status increasingly depended on whether an individual could rely on the protection of their own state rather than on whether they formally possessed citizenship.

The next major milestone was the 1933 Convention Relating to the International Status of Refugees,⁹ the first legally binding international treaty specifically addressing the situation of refugees. The Convention consolidated the earlier agreements into a coherent legal framework and regulated, among other matters, personal status, access to courts, employment, and the issuance of travel documents.

Its most important innovation was the first treaty-based formulation of the principle of non-refoulement. The Convention stipulated that refugees lawfully residing in a country could be expelled or returned only on exceptional grounds relating to national security or public order. Although this provision was narrower than the corresponding rule later incorporated into the 1951 Geneva Convention, it established the legal foundation for the principle that refugees must not be forced to return to places where they would not receive protection. Today, the principle of non-refoulement is regarded as one of the fundamental pillars of international refugee law.

The rise of National Socialism exposed the shortcomings of the existing refugee protection system. Earlier agreements had been designed primarily for Russian and Armenian refugees and therefore failed to provide adequate legal protection for those fleeing Nazi persecution. Consequently, the League of Nations appointed a separate High Commissioner for Refugees Coming from Germany¹⁰ and subsequently adopted new international agreements in 1936¹¹ and 1938¹².

⁷ League of Nations, Arrangement Relating to the Issue of Identity Certificates to Russian and Armenian Refugees, League of Nations, Treaty Series Vol. LXXXIX, No. 2004, 12 May 1926.
<https://www.refworld.org/legal/agreements/lon/1926/14828>

⁸ League of Nations, Arrangement Relating to the Legal Status of Russian and Armenian Refugees, League of Nations Treaty Series, Vol. LXXXIX, No. 2005, 30 June 1928.
<https://www.refworld.org/legal/agreements/lon/1928/15611>

⁹ League of Nations, Convention Relating to the International Status of Refugees, League of Nations, Treaty Series Vol. CLIX No. 3663, 28 October 1933.
<https://www.refworld.org/legal/agreements/lon/1933/17584>

¹⁰ However, this took place outside the League of Nations, as Germany remained a member until October 1933. Due to Germany's objections, the Office of the High Commissioner for Refugees, which was based in Germany, was not incorporated into the League of Nations until 1936, following Germany's withdrawal from the League.

¹¹ League of Nations, Provisional Arrangement concerning the Status of Refugees Coming from Germany, League of Nations Treaty Series, Vol. CLXXI, No. 3952, 4 July 1936.
<https://www.refworld.org/legal/agreements/lon/1936/14927>

¹² League of Nations, Convention concerning the Status of Refugees Coming from Germany, League of Nations Treaty Series, Vol. CXCLII, No. 4461, page 59, 10 February 1938,
<https://www.refworld.org/legal/agreements/lon/1938/17547>

These agreements further refined the concept of a refugee. They established that the decisive legal criterion was not merely the possession of nationality but the loss of effective state protection. Consequently, individuals who formally remained German citizens could nevertheless qualify as refugees if the German state no longer provided them with genuine protection. The agreements also extended protection to stateless persons who had previously been habitually resident in Germany.

A further important theoretical advance came in 1936, when the Institut de Droit International formulated one of the first general legal definitions of a political refugee. Rather than focusing on membership in particular national groups, the definition regarded as refugees those persons who had left their country because of political events, had not acquired a new nationality, and did not enjoy the diplomatic protection of another state.¹³ This marked the beginning of the transition from nationality-based protection to the modern concept of refugee status founded on the individual's need for international protection.

The legal developments of the interwar period were, however, significantly constrained by political realities. The Great Depression and increasingly restrictive immigration policies meant that most states were unwilling to admit large numbers of refugees. Although the Évian Conference and the establishment of the Intergovernmental Committee on Refugees reflected growing international recognition of the refugee problem, the outbreak of the Second World War prevented the emerging legal framework from reaching full maturity.

2 The Beginnings of Refugee Affairs in Hungary

Hungary first encountered refugee issues in the modern sense during the First World War. Refugees had, of course, been present in the country before – for example, Protestants persecuted in other provinces of the Habsburg Empire during the sixteenth and seventeenth centuries (Pálffy, 2009), and Polish freedom fighters following the Polish uprisings of 1830-1831 and 1863-1864 (Szokolay, 2006). Nevertheless, at the beginning of the twentieth century Hungary had neither an institutional refugee system nor legal regulations specifically governing refugees. During the First World War, refugees arrived as a result of hostilities from Galicia and Bukovina in 1914 and later from Transylvania in 1916. Although most were able to return home after only a few months, their arrival demonstrated that the provision of accommodation and relief was inadequate and that neither the central nor the local administration was prepared to deal with the situation (Pálvölgyi, 2018).

The so-called “Trianon refugees”, numbering approximately 400,000 people, were unable – or unwilling – to return to their original homes. They arrived in Hungary between 1918 and 1920 as a consequence of the country's defeat in the First World War and the disintegration of Historic Hungary. Providing them with housing, financial assistance, and employment proved extremely difficult, despite the fact that almost all of these refugees were of Hungarian ethnicity and many were highly educated, including civil servants and other professionals (Pálvölgyi, 2018). Some of them were not refugees in the strict sense but rather optants, who exercised the right provided under Article 63 of the Treaty of

¹³ Statut juridique des apatrides et des réfugiés. https://www.idi-iiil.org/app/uploads/2017/06/1936_bruux_02_fr.pdf

Trianon. This provision allowed individuals who did not wish to become citizens of the state in which they resided to opt, within one year, for the citizenship of the country where their ethnic group constituted the majority. The settlement of such a large number of refugees and optants placed such a heavy burden on Hungary that, even before the one-year option period had expired, the government introduced a ban on immigration on 1 October 1920 (Dövényi, 1997). The Hungarian administration responded to the refugee crisis by first appointing government commissioners to manage refugee affairs and, in 1920, establishing the National Refugee Office (Országos Menekültügyi Hivatal). The Office was dissolved as early as 1924 (Pálvölgyi, 2018), reflecting both the fact that its principal task – the accommodation of refugees – had largely been completed and the prevailing belief that the “refugee problem” and its consequences were only temporary phenomena.

Consequently, Hungary was just as unprepared for the even larger refugee movements that accompanied and followed the Second World War as it had been for those after the First World War. The country was simultaneously a receiving state, a country of origin, and a transit country for refugees. However, they constituted only one category among the victims of the forced migration processes associated with the war, and distinguishing between the various forms of displacement is neither historically nor legally straightforward. Refugees also arrived in Hungary during the war – most notably tens of thousands of Poles from 1939 onwards, including many members of the Polish armed forces (Kapronczay, 1991). Many of the Jewish refugees arriving to Hungary at the same time, regarded as foreigners or persons of uncertain nationality, became victims of the Kamianets-Podilskyi massacre in 1941 (Braham, 1990). A major wave of refugees confronted both the Hungarian authorities and the civilian population from the late summer and autumn of 1944, as the front line approached and subsequently crossed Hungarian territory. In many regions, the first refugees were ethnic Germans (Volksdeutsche) complying with evacuation orders issued by the Volksdeutsche Mittelstelle (Coordination Center for Ethnic Germans). Beginning in the summer of 1944, they left the regions of Sathmar and the Banat, followed by Bačka from October onwards, moving westward in large numbers (Tilkovszky, 1989).

As the front drew nearer, large numbers of ethnic Hungarians also fled. Public panic was intensified by news of the so-called operational evacuation ordered by Government Decree No. 3.210/1944 M.E. (8 September 1944),¹⁴ although this evacuation was ultimately never carried out. Most of those who fled during this period, however, returned to their homes after several weeks or, at most, a few months.

By contrast, long-term accommodation had to be provided for refugees arriving from neighbouring countries in considerable numbers after the armistice agreement restored Hungary's Trianon borders. Some of these refugees faced genuine and immediate threats, while others fled because they feared future persecution on account of their ethnic origin. Under Article 5 of the Armistice Agreement concluded by the Provisional National Government in Moscow on 20 January 1945, Hungary was obliged to admit all displaced persons and refugees within its territory and to accord them treatment equal to that enjoyed by its own citizens. With regard to refugees, this was the only binding source of international law applicable to Hungary at the time, although it did not provide a precise definition of the term: “The Hungarian Government shall take all necessary measures to

¹⁴ Magyarországi Rendeletek Tára 1944. Budapest, Belügyminisztérium, 1945. 1761-1762.

ensure that all displaced persons or refugees within Hungarian territory, including Jews and stateless persons, receive at least the same protection and security as Hungarian nationals." The Armistice Agreement was promulgated by Government Decree No. 525/1945 M.E. on 17 March 1945, thereby becoming part of Hungarian domestic law.¹⁵

Even after the war, however, no comprehensive legislation governing refugees, their legal status, or their rights was adopted. Throughout the mandate of the Provisional National Government, Hungary was governed primarily by decree. As a result, numerous lower-level legal instruments – mainly government and ministerial decrees – were issued, usually concerning specific categories of refugees. Separate rules applied to public employees and to other refugees, and the regulations were frequently amended in response to changing circumstances. The legal framework was further characterised by a large number of pseudo-normative instruments, such as ministerial instructions and circulars, many of which likewise applied only to particular refugee groups. In certain cases, legislators even avoided using the term “refugee” altogether, preferring descriptive wording instead. For example, Section 2(2) of Government Decree No. 1.710/1945 M.E., issued on 10 May 1945 on the establishment of the People Care Office (Népgondozó Hivatal), referred to: “Persons of Hungarian ethnicity not employed in public service who voluntarily or for other reasons crossed the borders from territories lying outside Hungary’s frontiers as they stood on 31 December 1937.”¹⁶

3 Conclusion

The history of refugee law clearly demonstrates that the development of international law has largely been driven by responses to humanitarian crises. The legal innovations introduced during the interwar period laid the foundations for the post-Second World War international refugee protection regime, including the 1951 Geneva Convention and the establishment of the Office of the United Nations High Commissioner for Refugees (UNHCR). The evolution of international refugee protection also reflects the broader transformation of international law itself. The emphasis gradually shifted away from the exclusive prerogatives of state sovereignty towards the recognition that the international community likewise bears responsibility for protecting individuals whom their own states are unable or unwilling to protect. This principle remains one of the cornerstones of contemporary international refugee law.

In Hungary, however, comprehensive legal regulation of refugee matters was not materialised in the years after the Second World War. No legislation was subsequently enacted defining the concept of a refugee or facilitating refugees’ integration into Hungarian society in that period. From 1946 onwards, the number of refugees arriving in – and leaving – the country declined considerably, while other forms of forced migration came to predominate. Accordingly, fewer legal measures concerning refugees were adopted. The issue of refugees gradually disappeared not only from legislation but also from public discourse, together with other forms of post-war forced migration. For decades, it was impossible to speak openly about refugees, Hungarians who had fled from neighbouring countries, the Czechoslovak-Hungarian population exchange, or the victims

¹⁵ Magyarországi Rendeletek Tára 1945. Budapest, Belügyminisztérium, 1946. 43-48.

¹⁶ Magyarországi Rendeletek Tára 1945. Budapest, Belügyminisztérium, 1946. 129-130.

of the expulsion of ethnic Germans. The subject likewise remained taboo within academic research.

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